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Audit of the Fleet Management Administration of the Department of Public Works

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EXECUTIVE SUMMARY

PURPOSE

In accordance with Section 455 of the District of Columbia Home Rule Act, as amended, Pub.L.No. 93-198,¹ D.C. Code § 1-204.55, the District of Columbia Auditor (Auditor) examined the operations and administration of the Fleet Management Administration (FMA) of the Department of Public Works (DPW).

CONCLUSION

The mission of DPW is to provide sanitation, parking enforcement, fleet maintenance, and energy related services to District of Columbia residents, visitors, and businesses to ensure safe, clean and aesthetic neighborhoods and public spaces. FMA, which is part of DPW, supports municipal operations by procuring vehicles through lease or purchase, fueling, and maintaining thousands of vehicles for use by District of Columbia government officials and personnel. Additionally, FMA is responsible for providing fleet policy, procedures and support services for the District of Columbia.

The Auditor's examination found that DPW did not provide District of Columbia agencies with comprehensive, uniform fleet management policies and procedures. DPW lacked standardized fleet policies and procedures, and did not monitor the application of policies and procedures established by agencies. DPW's failure to obtain, collect, and analyze accurate fleet data jeopardized the ability of the District of Columbia government to make informed fleet management decisions.

¹See § 455 of the District of Columbia Home Rule Act ("Home Rule Act"), approved December 24, 1973 (Pub.L.No. 93-198; 87 Stat. 803; D.C. Code § 1-204.55 (2001)). D.C. Code § 1-204.55 (b) states: "The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he [she] may prescribe." See also D.C. Code § 1-204.55 (c) which states: "The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings, and all other papers, things, or property belonging to or in use by any department, agency, or instrumentality of the District government and necessary to facilitate the audit."

The Auditor found that DPW should establish a comprehensive, city-wide fleet management program that includes consistent vehicle management guidelines, standardized procedures and reports that provide accurate and complete fleet data. At the time of the audit, many of the resources that DPW could have used to establish a comprehensive fleet management plan existed, albeit in separate agencies, within the District of Columbia government. For example, DPW could have reviewed Office of Risk Management's automobile damage claims to identify policy and procedural issues. DPW could have used data from the How Am I Driving program to identify problem drivers, and the Child and Family Services Agency On-Line Resource Scheduler, if replicated throughout the fleet, could have provided accurate reports on vehicle usage. DPW could have worked with Department of Motor Vehicles to monitor driver qualifications and developed a plan for payment of unpaid parking and traffic fines issued to District of Columbia government employees. However, DPW failed to use these resources or establish a city-wide fleet management plan. The following table presents a comprehensive fleet management plan based on resources that existed at the time of the audit.

Comprehensive Fleet Management Plan

	INPUT	OUTCOME
ORM	Vehicle accident claims How Am I Driving?	▪ Identify trends, policy and procedural issues ▪ Decrease claims ▪ Identify problem drivers
CFSA	Online Resource Scheduler	▪ Record of vehicle usage and purpose
DMV	Traffic Fines Driver's Licenses	▪ Identify vehicles with unpaid parking and traffic fines ▪ Monitor Driver Qualifications
DPW	Uniform, consistent policies and procedures Monitor agency performance Fuel Records Fuel Rings and Keys	▪ Standardized, monthly reports to agencies ▪ Compliance with fleet policy and procedures ▪ Analyze fuel records and mileage for utilization patterns and vehicle misuse ▪ Deactivate fuel rings and keys for vehicles with unpaid parking and traffic fines

A comprehensive fleet management program would ensure centralized control, accountability, uniform procedures and consistent fleet data that could be used to evaluate the cost and performance of vehicles that are owned or leased by the District of Columbia government.

MAJOR FINDINGS

1. DPW did not establish a management program for all phases of motor vehicle equipment management from initial procurement to vehicle disposal.
2. DPW did not have an effective plan for collecting \$71,690 in unpaid parking and traffic fines.
3. DPW's data regarding vehicle inventory, fuel charges, and employees authorized to drive vehicles owned or leased by the District of Columbia was inconsistent.
4. DPW did not have an effective driver safety program that included regular reviews of driver qualifications and driver training classes.
5. DPW lacked proper internal controls for the management of District government fuel cards.
6. DPW lacked proper internal controls to prevent 15 vehicles not listed in the DPW vehicle inventory from receiving fuel totaling \$27,395.

MAJOR RECOMMENDATIONS

1. The DPW Director should establish, implement, and enforce a consistent and comprehensive city-wide fleet management plan that includes effective policies and procedures.
2. The DPW Director should immediately develop and implement a consolidated city-wide plan to collect unpaid parking and traffic fines from District Government Employees.
3. As part of a comprehensive fleet management plan, DPW should establish policies and procedures to collect and analyze fleet management data for accuracy and completeness.
4. The Director of DPW should ensure that DPW's fleet management plan includes a comprehensive annual city-wide inventory of vehicles owned or leased by the District Government and establish a process to maintain a current list of employees authorized to drive vehicles owned or leased by the District government.

5. The DPW Director should develop and implement a program to increase driver safety that includes regularly scheduled defensive driving classes and collaboration with the Office of Risk Management (ORM) and personnel regarding automobile property damage claims and “How Am I Driving” calls.
6. The DCPS Chancellor should ensure that DCPS participates in the “How Am I Driving” program.
7. The ORM Director should analyze automobile damage claims involving vehicles owned or leased by the District government to identify trends in the number and types of claims, monitor types of vehicles involved in accidents and identify driving practices, procedures or personnel that resulted in accidents. ORM should share their findings and recommendations with DPW.
8. The ORM Director should comply with ORM procedures and ensure that ORM claim files consistently include witness statements.
9. The DPW Director should establish and monitor the implementation of policies and procedures for the use of District government fuel cards.
10. The DPW Director should only issue fuel cards that include the vehicle identification feature. The DPW Director should immediately re-issue all current voyager fuel cards with the vehicle identification feature.
11. The DPW Director should regularly monitor and assess vehicle mileage and fuel records for non-conforming patterns to identify misuse and fraud.
12. The DPW Director should establish internal controls to ensure that only District government vehicles listed in the DPW fleet inventory receive fuel.

PURPOSE

Pursuant to Section 455 of the District of Columbia Home Rule Act, as amended, Pub.L.No. 93-198, ¹D.C. Code § 1-204.55, the District of Columbia Auditor (Auditor) examined the operations and administration of the Fleet Management Administration (FMA) of the Department of Public Works (DPW).

OBJECTIVE, SCOPE, AND METHODOLOGY

The objectives of the audit were to determine whether:

1. policies, procedures, practices, and internal controls established by FMA were adequate and complied with applicable standards, rules, regulations, and laws; and
2. policies, procedures, and practices established by FMA protected employees, residents, visitors, and resources of the District of Columbia.

The scope of the audit included fiscal years (FY) 2008 through 2009, as of June 1, 2009.

In conducting the audit, the Auditor reviewed: (1) FMA policies and procedures and Mayor's Orders; (2) literature on fleet programs; and (3) relevant written materials from public agencies in other jurisdictions. The Auditor interviewed the DPW Interim Fleet Management Administrator, agency Fleet Coordinators, representatives of the Department of Motor Vehicles (DMV), and the Tort Liability Manager for the Office of Risk Management (ORM) to gain their perspectives on the management of vehicles owned or leased by the District government. Additionally, we judgmentally selected five agencies District of Columbia Public Schools (DCPS), Department of Consumer and Regulatory Affairs (DCRA), Child and Family Services Agency (CFSA), Department of Health (DOH) and Department of Employment Services (DOES)) to evaluate their effectiveness of fleet policies, procedures, and practices.⁴

¹See § 455 of the District of Columbia Home Rule Act ("Home Rule Act"), approved December 24, 1973 (Pub.L.No. 93-198; 87 Stat. 803; D.C. Code § 1-204.55 (2001)). D.C. Code § 1-204.55 (b) states: "The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he [she] may prescribe." See also D.C. Code § 1-204.55 (c) which states: "The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings, and all other papers, things, or property belonging to or in use by any department, agency, or instrumentality of the District government and necessary to facilitate the audit."

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

BACKGROUND

The mission of DPW is to provide sanitation, parking enforcement, fleet maintenance, and energy related services to District of Columbia residents, visitors, and businesses to ensure safe, clean, and aesthetic neighborhoods and public spaces. FMA, which is part of DPW, supports municipal operations by procuring vehicles, through lease or purchase, fueling, and maintaining thousands of vehicles for use by District of Columbia government officials and personnel. Additionally, FMA is responsible for providing fleet policy, procedures and support services for the District government.

Mayor's Order 2000-75, which was issued May 11, 2000, designated DPW as the, "single authority to establish, govern and monitor a total management program for the District Government." Mayor's Order 2001-85, which was issued June 12, 2001, required the head of each agency to implement and maintain a system of managing vehicles. Mayor's Order 2001-85 did not supersede Mayor's Order 2000-75. As a result, while agency Directors were required to implement a system for managing vehicles assigned to their agencies, DPW retained responsibility to govern and monitor a total fleet management program for the District of Columbia government. In furtherance of our objectives set forth on page 1, the Auditor specifically focused on these Mayor's Orders in conducting the audit.

² In an effort to understand the risk caused by unsafe drivers, the Auditor requested ORM to provide any database, report, analysis, study, review, recommendation and/or assessment of FMA's claims filed against the District government involving vehicles owned or leased by the District of Columbia government.

After the audit period, on September 23, 2009, Mayor's Order 2009-160 was issued. While Mayor's Order 2009-160, addressed some of the fleet issues reviewed in this audit (driver license verification), the Mayor's Order did not require DPW to establish and implement a comprehensive fleet management plan. In the absence of comprehensive fleet management, the District of Columbia's fleet will continue to operate as an inefficient, de-centralized system that lacks consistent policies and procedures, accurate fleet data, and effective city-wide internal controls that protect citizens, visitors, and resources of the District of Columbia.

FINDINGS

DPW DID NOT ESTABLISH A MANAGEMENT PROGRAM FOR ALL PHASES OF MOTOR VEHICLE EQUIPMENT MANAGEMENT FROM INITIAL PROCUREMENT TO VEHICLE DISPOSAL

Mayor's Order 2000-75 states: "The Director of the Department of Public Works is authorized and directed to establish policies and standards for all phases of motor equipment management from initial procurement to ultimate vehicle disposal." Mayor's Order 2000-75 further states that the reason DPW was designated as the single authority to establish, govern, and monitor a total fleet management program for the District of Columbia was because, "the lack of historic centralized control of the District of Columbia Government's fleet functions has resulted in inefficient and unnecessary costs to the District and its taxpayers."

Despite the fact that Mayor's Order 2000-75 was issued in May 2000, the Auditor found that DPW had not established centralized control of the District of Columbia government's fleet functions or established a comprehensive fleet management program. The management of the District of Columbia's fleet remained decentralized. Each agency was responsible for establishing fleet policies and procedures and monitoring compliance. While many of the resources that DPW could have used to establish a comprehensive fleet management plan and program existed within various District of Columbia agencies, DPW did not use these resources.

The Auditor requested DPW to provide copies of policies and procedures regarding unpaid parking and traffic fines, accidents, improper use of government vehicles, fleet refueling, inspection, employees taking vehicles home, and criteria employees must meet to operate District of Columbia owned or leased vehicles, including driver license verification. In response, DPW provided the Auditor with copies of Mayor's Orders and memoranda from Directors of DMV regarding ticket reporting issues.⁵ DPW provided one city-wide fleet policy entitled, "Fleet Policies and Procedures," which only outlined the duties of agency Vehicle Coordinators.⁶ The Auditor found that DPW did not have city-wide, written policies and procedures that addressed

⁵ Memo from Director of the Department of Motor Vehicles, To Coordinators of Government Fleet Vehicle Programs, February 3, 2000, and May 24, 2007 letter from the Director of the Department of Motor Vehicles.

⁶ Fleet Management Administration, Doc:1000, Fleet Policies and Procedures, March 11, 2009.

unpaid parking and traffic fines, accidents, improper use of vehicles, fleet refueling, vehicle inspections, employees taking vehicles home, or criteria employees must meet to operate District government owned or leased vehicles, including driver license verification.

DPW failed to act as the single authority to provide the 78 agencies of the District of Columbia government with comprehensive, uniform fleet management policies, procedures, and standards. The Auditor reviewed the fleet management policies and procedures of five agencies and found that one agency did not have written policies and procedures, while four agencies had written policies and procedures that failed to address all aspects of fleet management. Specifically, DCPS did not have written policies and procedures for all aspects of fleet management. Only one DCPS department, the Office of School Security (OSSE), had written parking infraction policies and procedures.⁷ DCRA reimbursed employees for mileage, but DCRA did not have written policies and procedures regarding mileage reimbursement.

As some agencies managed their fleets without written policies and procedures, CFSA did exceptionally well at establishing comprehensive, written, fleet policies and procedures that emphasized safety.⁸ According to CFSA fleet policies and procedures, employees were not permitted to operate vehicles until CFSA reviewed and approved the employee's traffic record for the previous five years. A CFSA employee was not granted driving privileges if the employee was convicted of Driving While Intoxicated (DWI), Driving Under the Influence (DUI), hit-and-run convictions or felony convictions involving a vehicle. CFSA also conducted annual reviews of employees' traffic records. Of the five agencies reviewed for this audit, CFSA was the only agency that had a written policy that prohibited employees from operating a vehicle if the employee was convicted of DWI, DUI, hit-and-run, or a felony involving a vehicle.

In addition to comprehensive written fleet policies and procedures CFSA used an online vehicle reservation system that should be replicated throughout the District of Columbia's fleet. The CFSA system, On-Line Resource Scheduler, was designed by a CFSA employee. The On-Line Resource Scheduler allowed CFSA managers to monitor, in real time, vehicle utilization. CFSA's On-Line Scheduler improved the efficiency of fleet operations by tracking and monitoring vehicle use. On-Line Scheduler included supervisory approval of vehicle usage and

⁷ Email from DPCS to the Auditor, dated July 16, 2009, RE: Document Request.

⁸ CFSA memo from Deputy Director for Administration, To All CFSA Staff, RE Traffic Record Checks, January 31, 2007.

established a clear, documented vehicle usage trail. In addition, On-Line Resource Scheduler provided accurate fleet reports. During an interview with the Auditor, DPW's Interim Director of Fleet Management stated that he was not aware of the CFSA On-Line Resource Scheduler.

Vehicle Disposal

Since DPW did not provide clear, written guidance regarding fleet management, agencies established disparate, inconsistent fleet policies and practices. As a result, there was uncertainty regarding fleet policies and procedures. Consider vehicle disposal. Despite the fact that Mayor's Order 2000-75 specifically required DPW to establish policies and procedures "from initial procurement to ultimate vehicle disposal;" DPW had not established a written vehicle disposal policy or procedure.

The Auditor inspected eight vehicles⁹ assigned to DCRA. In, June 2008, DCRA classified the vehicles as Property Disposal Action (PDA). According to DCRA, the eight PDA vehicles were no longer serviceable, but DPW would not accept the vehicles for disposal because traffic fines issued to each vehicle were unpaid. Since DPW did not have city-wide written policies and procedures regarding vehicle disposal and the resolution of unpaid parking and traffic fines, DCRA's efforts to resolve the matter through repeated calls and inquiries to DPW were ineffective, inefficient, and unsuccessful. As a result, the eight vehicles remained parked on a DCRA lot for 15 months in bureaucratic limbo. In response to an inquiry from the Auditor, DPW agreed to accept the eight PDA vehicles for disposal.¹⁰

The District government owned or leased more than 2,635¹¹ vehicles to support the mission of 78 agencies. Agencies cannot effectively manage their fleets without clear, consistent, uniform written guidance. It is inefficient and uneconomical to require each agency to contact DPW for direction on rudimentary fleet management issues, which should be governed by clearly articulated city-wide fleet management policies and procedures. Fleet management should not be handled on a case-by-case basis.

⁹ Tag Numbers: DC 3580, DC 1819, DC 1189, DC 3792, DC 1799, DC 3581, DC 3793, DC 1878.

¹⁰ Email from DPW Interim Fleet Management Administrator to DCRA, October 23, 2009, RE: Request Vehicle Tag Numbers.

¹¹ Total of 2,635 vehicles does not include vehicles assigned to the Metropolitan Police Department or Emergency Medical Services.

Daily Records

Mayor's Order 2001-85 required agency heads to implement and maintain a fleet system that included a daily record of who had custody of each vehicle and the purpose of the trip (e.g. client transportation, employee transportation, specific task). Some agencies complied with Mayor's Order 2001-85, while other agencies, such as DCPS, did not maintain daily records. DOH, DCRA, and DOES did not consistently maintain daily records that listed the purpose of the trip. In fact, on more than one occasion, the Auditor observed a senior DOH manager using a District of Columbia vehicle to conduct personal business. The DOH senior manager¹² used the government vehicle to repeatedly transport the same child to the DOH office. To further complicate the matter, based on the child's height and weight the child should have ridden in a car seat; however, a car seat was not used. This clear misuse of a government vehicle highlights the importance of daily records that list the purpose of trips.

The establishment of written uniform policies and procedures is a critical component of efficient and cost-effective fleet management. Establishing uniform policies and procedures provides consistent vehicle management guidelines, standardizes processes in multiple locations, and reduces confusion, questions, errors, and potential liability risks. A fleet industry best practice recommends that once established, policies and procedures should be properly monitored, updated, and documented to ensure consistent application.¹³ DPW should develop a comprehensive fleet management plan to ensure centralized control and accountability for the fleet, establish standardized procedures, and create accurate and complete fleet data that can be used to evaluate fleet costs and performance.

RECOMMENDATION

The DPW Director should develop, implement, and enforce a consistent and comprehensive city-wide fleet management plan that includes effective policies and procedures.

¹² Administrator, Health Regulation Licensing Administration- Sightings occurred at 717 14th Street, NW DC.

¹³ State of New Hampshire Fleet Management, Performance Audit Report, September 2008, page 12.

DPW DID NOT HAVE AN EFFECTIVE PLAN FOR COLLECTING \$71,690 IN UNPAID PARKING AND TRAFFIC FINES

Mayor's Order 2000-75 requires DPW to establish policies and standards for all phases of motor equipment management. Additionally, Mayor's Order 2001-85 requires agency heads to implement and maintain a system of managing "accountability of operators for notices of infractions received as a result of operating any vehicle on government business or having assigned custody of a government vehicle." The Auditor found that agency heads, including DPW's, had not established effective policies and standards for tracking, monitoring, and collecting unpaid parking and traffic fines incurred on vehicles owned or leased by the District of Columbia government.

The Auditor requested DPW to provide a report of all unpaid parking and traffic fines incurred on District government owned or leased vehicles for the five agencies that were the focus of the audit. DPW reported that three agencies, DCRA, CFSA and DOH, had a total of seven unpaid parking and traffic fines. DPW did not collect information regarding unpaid parking and traffic fines incurred by DCPS or DOES. Additionally, reports of unpaid parking infractions and traffic fines from the five agencies in our sample were inconsistent with data provided by DPW.

The District of Columbia contracted with ACS to process and collect parking and traffic fines. According to ACS, since 2002, the five agencies in our sample had a total of 685 unpaid parking and traffic fines totaling \$71,690. Table I presents unpaid parking and traffic fines as reported by DPW and ACS for the five agencies in our sample.

Table I
Unpaid Parking and Traffic Fines

Agency	Number of Fines As Reported by DPW September 30, 2007 Through June 1, 2009	Number of Fines As Reported by the Agency September 30, 2007 Through June 1, 2009	Number of Fines As Reported by ACS Since 2002	Total Amount of Fines As Reported by ACS Since 2002
DCPS	No Data	14	394	\$42,155
DCRA	3	31	38	\$4,000
CFSA	1	6	246	\$24,990
DOH	3	224	No Data ¹⁴	No Data ¹⁵
DOES	No Data	1	7	\$545
Total	7	276	685	\$71,690

According to the agencies, parking and traffic fines were not paid because the agency could not consistently identify the employee who was assigned to use the vehicle when parking and traffic fines were issued. Employees could not be identified because most agencies did not consistently require employees to complete vehicle daily records or adhere to a formal vehicle check-out procedure. Properly maintained vehicle daily records include the name of the employee assigned to drive each vehicle.

While the inability to identify employees may have resulted in some unpaid parking and traffic fines, the Auditor reviewed agency unpaid infraction reports that included names of employees. For example, documents from DCPS included a signed statement from an employee stating that a \$200 speeding violation would be paid on July 2, 2009.¹⁶ It is interesting to note that July 2nd was the date that DCPS provided the Auditor with requested audit documents. As of November 13, 2009, the ACS online ticket payment service listed the \$200 speeding ticket as still unpaid.

¹⁴ ACS did not collect data for DOH.

¹⁵ Ibid.

¹⁶ DCPS response to the Auditor, dated July 2, 2009, Office of Special Education, 6/30/09 Etims report.

Unpaid parking and traffic fines were reported at all levels of the District of Columbia government. There was a total of \$770 in unpaid parking and traffic fines issued to a license plate on a vehicle assigned to the Mayor, and a total of \$345 in unpaid parking and traffic fines issued to the license plate on a vehicle assigned to the DCPS Chancellor. As of the date of this report, the fines had not been paid.

DPW's efforts to address the issue of unpaid parking and traffic fines included a March 13, 2008 memo from the DPW Director to the head of each agency. The memo included a list of unpaid fines and stated:

"I also ask that the following **guidance** [Auditor's Emphasis] be provided to each driver who is identified as responsible for the vehicle at the time of the infraction:

- I. Admit liability for the ticket by sending a check or money order to the DC Photo Enforcement Office, P.O. Box 37075, Washington, D.C. 20013. Remittances should be made payable to the D.C. Treasurer. The ticket number and the vehicle plate number should be written on the remittance.
- II. To deny commission of the infraction, the driver should provide a written explanation and evidence or send a request for a hearing date to the address as listed in item "a" above."

The Director's *guidance* paraphrased payment language printed on pink District of Columbia Notices of Parking Infraction. The Director's *guidance* did not list specific steps that agencies should take to resolve unpaid fines such as: issuing sanctions or administrative actions against employees who failed to pay fines and establishing and monitoring policies and procedures to ensure that employees complete daily logs so drivers who received fines could be identified. Additionally, since DPW controlled fueling stations, the Director could have prohibited employees with unpaid fines from refueling until the fines were paid. However, the

DPW Director only offered payment information and did not develop an effective plan to collect the \$71,690 in existing unpaid parking and traffic fines as well as fines that may be incurred in the future.

RECOMMENDATION

The DPW Director should immediately develop and implement a consolidated city-wide plan to collect unpaid parking and traffic fines from District government employees.

DPW'S DATA REGARDING VEHICLE INVENTORY, FUEL CHARGES, AND EMPLOYEES AUTHORIZED TO DRIVE VEHICLES OWNED OR LEASED BY THE DISTRICT OF COLUMBIA GOVERNMENT WERE INCONSISTENT AND INCOMPLETE

Mayor's Order 2000-75 states: "...all agency heads shall complete and submit to the Department of Public Works Fleet Management Administration an inventory of all motor vehicles and equipment subject to this Order. This submission shall include: the District Government numbers assigned to all vehicles and equipment, the make/model/year of each vehicle; registration and vehicle identification numbers; license plate number, maintenance release records, and the name and telephone number of the agency's fleet coordinator." Additionally, as previously noted, while Mayor's Order 2001-85 states that agencies shall maintain, "a system of managing the use of vehicles," Mayor's Order 2000-75 requires DPW to "establish, govern, and monitor a total fleet management program for the District of Columbia."

As part of the audit, DPW was requested to provide a report of District of Columbia vehicles owned or leased by the five agencies that were the focus of the audit. The Auditor also requested DPW to provide a list of employees authorized to operate District government owned and leased vehicles. It is important to note that in a May 2007 letter to heads of agencies the DPW Director stated: "DPW proposes to obtain quarterly driver's license records through a partnership with the District's Department of Motor Vehicles (DMV), and you soon will be asked to provide the names of all drivers (regular and occasional) in your agency..." DPW could not provide the Auditor with agency responses to the Director's May 2007 request.

Vehicle Inventory

DPW provided the requested list of vehicles, however, according to DPW the department did not “maintain a list of employees from other Agencies who are authorized to operate vehicles owned or leased by the District of Columbia.” In an email dated August 20, 2009, DPW stated: “It has not been the practice of our Fleet Management Administration (FMA) to monitor the agencies in the manner sought after in this audit. In efforts to share the methods currently used to acquire the requested data, we referenced the Mayor’s Order 2001-85 noting the responsibility of each agency to maintain the information requested for this audit. The level of accounting and monitoring 78 agencies’ actions requires a full-time, dedicated analyst, which DPW-FMA does not have.” DPW concluded by listing various “mechanisms” that were “put in place to monitor the agencies: D.C. Fleet Share Program, The Fleet Reduction Initiative, The Fuel Ring Initiative, annual inventory of the entire fleet, Monthly review of the useful vehicle life...” The Auditor determined that these “mechanisms” did not provide relevant metrics that could be used to assess critical fleet data. An effective fleet management program is based upon capturing, monitoring, and reporting relevant vehicle data such as employees authorized to drive fleet vehicles and vehicle utilization.¹⁷ DPW’s data was inconsistent and incomplete. As a result, DPW failed to properly capture, monitor, and report key vehicle data.

There was a difference of 1,112 vehicles between the list of owned or leased vehicles reported by DPW and the list of owned or leased vehicles reported by the five agencies under review. DPW reported a total of 1,409 vehicles. The agencies reported a total of 297 vehicles. DPW lacked a process to regularly review and confirm agency vehicle inventories and address inconsistencies between DPW’s vehicle inventory and agencies’ vehicle inventory. Table II presents vehicle inventories as reported by DPW and the reviewed agencies.

¹⁷ State of Missouri, State Fleet Management 2008 Annual Report, page 6.

Table II
DPW and Agency Vehicle Inventory

Agency	As Reported by DPW	As Reported by Agency
DCPS	1,163	44
DCRA	74	89
CFSA	68	67
DOH	90	74
DOES	14	23
Total	1,409	297

Billing Errors

While there were discrepancies between the number of vehicles reported by each agency and DPW, the largest discrepancy was the difference in vehicles reported by DCPS and DPW. According to DPW, of the 1,163 vehicles assigned to DCPS 764 vehicles were school buses. However, DCPS only reported a total of 44 vehicles. DCPS did not report any school buses because school buses were the responsibility of the Office of the State Superintendent of Education (OSSE).¹⁸ DPW only listed 3 school buses as assigned to OSSE. DPW erroneously charged DCPS for fuel for 764 school buses. In FY 2009, DPW charged DCPS \$2,513,424 for school bus fuel. In FY 2009, DPW charged OSSE \$1,540 for school bus fuel. The Auditor found that DPW did not properly charge either DCPS or OSSE for school bus fuel. Table III presents DPW fuel charges to OSSE and DCPS.

Table III
DPW Fuel Charges to OSSE and DCPS

Fuel Charges	FY 08	FY 09	Total
DCPS	\$3,728,706	\$2,513,424	\$6,242,130
OSSE	\$3,039	\$1,540	\$4,579

Source: DPW Fuel Reports

¹⁸ Auditor's October 20, 2009, interview: DCPS Deputy Chief of Staff of Compliance and the DCPS Deputy Director of Compliance.

Employees Authorized to Drive District Government Owned or Leased Vehicles

Regarding the Auditor's request for a list of all employees authorized to drive District government owned or leased vehicles, DPW stated: "DPW does not maintain a list of employees from other Agencies who are authorized to operate vehicles owned or leased by the District of Columbia." Of the five agencies reviewed, DCPS was the only agency that did not maintain a list of employees who were authorized to drive District government owned or leased vehicles assigned to DCPS.

As discussed in another section of this report, driver qualification is critical to fleet safety. The Auditor determined that DPW did not maintain a list of drivers authorized to drive vehicles owned or leased by the District government. Without a list of authorized drivers, DPW could not monitor driver qualification.

One measure of fleet efficiency is the number of licensed vehicles per 100 employees. For example, in the State of Missouri in FY '07, there were 17.99 vehicles per 100 employees. DPW could not calculate the number of vehicles per employee because DPW did not have a list of employees authorized to operate vehicles at each agency. Table IV presents the number of employees, reported by the agencies in our sample, who were authorized to drive District of Columbia owned or leased vehicles at the time of our audit.

Table IV

Employees Authorized to Drive District of Columbia Government Vehicles

Agency	As Report by DPW	As Reported by Agency
DCPS	No Data	No Data
DCRA	No Data	99
CFSA	No Data	455
DOH	No Data	167
DOH	No Data	84

Capturing, monitoring, and reporting vehicle data is the basic foundation of a solid fleet management program. With sound programmatic data, the District government could have made

fleet decisions based on fleet utilization data that would have improved efficiency and generated savings. Since DPW did not obtain, collect, and analyze accurate data regarding the number of vehicles in the District government's fleet and employees authorized to operate District government vehicles, DPW jeopardized the ability of the District government to make informed fleet decisions.

Effective fleet management is also based on timely, accurate, and complete information.¹⁹ The most basic fleet management question is, "How many vehicles are in the fleet?" Another important question is, "Who is authorized to drive fleet vehicles?" DPW's data regarding the number of vehicles in the District government's fleet and the employees authorized to operate District government vehicles was inconsistent and incomplete. DPW lacked accurate, complete information that could have resulted in cost containment and efficiency initiatives. As a result, DPW failed to effectively manage these two key aspects of the District government's motor vehicle fleet.

RECOMMENDATIONS

1. As part of a comprehensive fleet management plan, DPW's Director should establish policies and procedures to collect and analyze fleet management data to ensure accuracy and completeness.
2. The Director of DPW should ensure that DPW's fleet management plan includes a comprehensive annual city-wide inventory of vehicles owned or leased by the District government, and establish a process to maintain a current list of employees authorized to drive vehicles owned or leased by the District government.

¹⁹ State of New Hampshire Fleet Management, Performance Audit Report, September 2008, page 12.

DPW DID NOT HAVE AN EFFECTIVE DRIVER SAFETY PROGRAM THAT INCLUDED REGULAR REVIEWS OF DRIVER QUALIFICATIONS AND DRIVER TRAINING CLASSES

An important component of an effective fleet management program is the assurance that employees operating government owned or leased vehicles have valid driver's licenses.²⁰ To ensure that drivers of state vehicles have valid driver's licenses, Missouri implemented a system that performs a daily comparison of employees in the fleet system with the state's driver license system. As a result, if the status of an employee's driver license changes immediate action is taken to resolve the problem.

As previously noted, DPW did not maintain a list of employees who were authorized to operate vehicles owned or leased by the District government. Additionally, DPW did not have a written city-wide policy that prevented employees from driving government vehicles if convicted of Driving While Intoxicated (DWI), Driving Under the Influence (DUI), hit-and-run convictions or any other felony conviction involving a vehicle. Of the reviewed agencies, CFSA was the only agency that had a written policy that prevented drivers with DWI, DUI, hit-and-run, or other felony convictions involving a vehicle from driving vehicles owned or leased by the District government. CFSA's procedures expressly prohibited employees from operating vehicles assigned to CFSA until the employee's driver record for the past five years was reviewed. If a CFSA employee was charged with more than two moving violations or at fault accidents within a year, the employee was not permitted to operate a CFSA vehicle, unless the employee took a CFSA approved defensive driving class.

DPW sponsored defensive driver training classes but classes were not part of a fleet wide defensive driving program. The State of Connecticut's Risk Management Board recommends that drivers of state-owned vehicles complete a defensive driving class every five years. Driver safety was such a low priority in the District government that DCRA employees who operated government owned or leased vehicles were given a list of red light and speed camera locations. It appears that the message to DCRA employees was that it was acceptable to speed or run red lights, but it was unacceptable to get caught.

²⁰ State of Missouri, State Fleet Management 2008 Annual Report, page 38.

In an effort to understand the risk caused by unsafe drivers of vehicles owned or leased by the District government, the Auditor contacted ORM. ORM manages automobile property damage claims pertaining to vehicles owned or leased by the District government. The Auditor requested ORM to provide copies of any database, report, analyses, study, review, or recommendation of claims filed against the District involving vehicles owned or leased by the District. According to ORM, it had not conducted any studies or analyses of claims filed against the District involving District government owned and leased vehicles. For example, ORM did not conduct a study to determine why the number of automobile accident damage claims paid for vehicles assigned to DCRA increased from \$6,669 in FY '08 to \$15,120 in FY '09 or why DPW automobile accident damage claims increased from \$205,132 in FY 08 to \$346,259 in FY '09. Such studies could have provided relevant information that prevented future accidents and subsequent claims, thereby protecting residents and resources of the District of Columbia government. Table V presents District government automobile damage claims paid in FY 08 through FY 09 as of August 31, 2009 (some claims occurred after the audit period).

Table V
Automobile Damage Claims Paid in FY 08 through FY 09, as of August 31, 2009

Agency	FY 08	FY 09	Total
CFSA	\$12,417.17	\$7,494.99	\$19,912.16
DCPS	\$209,510.74	\$155,033.48	\$364,544.22
DCRA	\$6,669.78	\$15,120.00	\$21,789.78
DOES	\$0	\$1,628.56	\$1,628.56
DOH	\$14,319.02	\$21,095.90	\$35,414.92
DPW	\$205,131.83	\$346,258.03	\$551,389.86
Total	\$448,048.54	\$546,630.96	\$994,679.50

Source: Office of Risk Management

DPW could have used ORM reports or analyses of automobile damage claims to identify trends in the number and types of claims, monitor types of vehicles involved in accidents and identify driving practices, procedures or personnel involved in accidents. These kinds of ORM reports could have been used to increase driver safety and decrease automobile property damage

claims. Additionally, a review of ORM claims could have identified problems with agency procedures or specific agency personnel. For example, in January 2006, a hose from a DPW leaf vacuum truck became detached. According to ORM records, a DPW employee did not realize the hose was detached and continued driving the truck. The detached hose struck three cars resulting in \$4,928 in damages. Eleven months later, in December 2006, the hose became detached from another DPW leaf vacuum truck. This time the detached hose struck seven cars resulting in \$25,760 in damages. A collaborative relationship between ORM and DPW could have resulted in driver training regarding the proper procedure to secure hoses on leaf vacuum trucks and prevented future damages.

ORM files²¹ also included a claim involving a Department of Parks and Recreation (DPR) employee who, according to the police report, failed “to keep in proper lane”. The District of Columbia paid \$5,000 to settle the claim for damages caused by the DPR employee. The employee’s supervisor prepared a report about the accident. In response to the question “What action have you taken to prevent future similar accidents?” the supervisor stated: “Made sure all vehicle’s mirrors are tighten and remind drivers to be extra careful.” Clearly, an employee who failed to stay in the proper lane required defensive driver training, not a mirror adjustment or a reminder to be “extra careful”. It is particularly noteworthy that the DPR employee who caused the accident submitted a Vehicle Accident Report stating that the reason the employee used the vehicle owned or leased by the District government was to attend “Bible Study”.

The DPR claim would have been particularly instructive in a DPW sponsored driver training program. The claim demonstrates the importance of good supervision and the risk of using government vehicles outside the scope of employment. The claim also highlights the lack of communication between ORM and DPR, since it appears that ORM did not advise DPR that the employee used a government vehicle to conduct personal business. As part of a driver safety program, DPW should work with ORM to identify problem drivers and ensure that supervisors provide effective help and guidance.

ORM also manages “How Am I Driving?” (HAID). A May 29, 2007 letter from the DPW Director states a HAID bumper sticker will be placed on all vehicles under the authority of the Mayor. In FY ’09, the HAID program received 160 complaints regarding four of the five

²¹ ORM Claim Number : DMCYFE008958 Event Date: March 29, 2006.

agencies reviewed for the audit. There were no HAID calls regarding DCPS drivers because DCPS did not participate in the HAID program. HAID staff was unable to explain why DCPS did not participate in this important driver safety program. It is interesting to note that in FY '09 there were 427 HAID complaints regarding DPW drivers. Table VI presents "How Am I Driving?" complaints.

Table VI
FY '09 How Am I Driving? (HAID) Complaint Calls

AGENCY	Number of Complaints
DCPS	Did Not Participate in HAID Program
DCRA	26
CFSA	75
DOH	50
DOES	9
TOTAL	160

Incoming calls to HAID were routed to the Office of Unified Communications (OUC). OUC then provided ORM with a report of HAID calls. ORM classified HAID calls into categories such as complaint or compliment. Based on the vehicle tag number, ORM identified the agency to which the vehicle that generated the HAID call was assigned. When the agency was identified, ORM advised the agency Risk Manager and Fleet Coordinator of the HAID call. According to ORM staff, ORM expected the agency to contact the employee that operated the vehicle that generated the HAID call. The ORM email to agencies outlining the parameters of the HAID program states: "...we ask that the driver be identified and ask that you keep us in the loop with your findings."

Based on the Auditor's review of HAID records, agencies did not consistently report their findings regarding HAID calls. In fact, less than 10% of HAID reports included agency findings.²² In addition, ORM did not analyze HAID calls to identify problem drivers who received repeated HAID complaints.

²² September 29, 2009 email from EOM, to DHS Subject; "How Am I Driving' Complaints-Immediate Attention".

The Auditor observed that ORM personnel did not consistently comply with ORM procedures. On February 19, 2009, ORM issued revised Tort Liability Claims Handling Procedures. Section 5.2 of the February 2009 procedures state: “Documentation must be in every file to support the liability determination. The Claims Specialist shall plan the investigation; obtain statements from all parties to the claim, including friendly and adverse witnesses...” The ORM Tort Liability Claims Manual that was in effect prior to the February 2009 revision contained a similar provision. Section 3.1 states: “A step-by-step inquiry into the facts surrounding an accident must be made to support the decision to affirm; compromise or deny the claim. Plan the investigation. Obtain statements from all parties to the claim, friendly and adverse witnesses.” Additionally, Section 3.1.4.d states: “Witnesses must be interviewed and their statements **must** be included in the file. [Auditor’s Emphasis]

ORM did not consistently comply with the requirements of both the ORM Tort Liability Claims Handling Procedures or the ORM Tort Liability Claims Manual. As a result, a reliable audit trail could not consistently be established. For example, in FY 06 ORM settled an Auto Bodily Injury Property Damage (ABID) claim for \$4,935.²³ The ORM file did not include statements from all parties to the claim as required by Section 3.1 of the ORM Tort Liability Claims Manual. Witness statements would have been particularly relevant since the file included a note from the ORM Adjuster that: “There is a question as to whether the claimant had the red light.”²⁴ The Auditor reviewed 31 ORM files and found that 11 files included witness statements and 20 files did not include witness statements. Some files extended past the audit period. Table VII presents the number of witness statements in ORM files.

²³ ORM Settlement and Judgments, FY 2006, Claim Number ABIPDDMO PS005634

²⁴ Email from ORM Adjuster dated October 28, 2004 RE : ORM Claim Number: ABIPDDMO PS005634.

Table VII
Number of Witness Statements in ORM Files

ORM Files as of August 2009 (by Agency)	Number of Files That Included Witness Statement	Number of Files That did not Include Witness Statement	Total
DCPS	4	3	7
DCRA	1	0	1
CPSA	0	3	3
DOH	0	2	2
DPW	6	12	18
TOTAL	11	20	31

Since ORM had relevant information pertaining to District of Columbia employee drivers who were involved in automobile accidents, ORM and DPW should have collaborated to increase driver safety. However, DPW did not develop a partnership with ORM to improve driver safety. DPW could have significantly improved driver safety by reviewing ORM automobile damage claims and HAID calls to identify problem drivers and fleet procedural or driver training issues.

RECOMMENDATIONS

1. The DPW Director should develop and implement a program to increase driver safety that includes regularly scheduled defensive driving classes and collaboration with ORM Management and personnel regarding automobile property damage claims and How Am I Driving calls.
2. The DCPS Chancellor should ensure that DCPS participates in the District's "How Am I Driving" program.
3. The ORM Director should analyze automobile damage claims involving vehicles owned or leased by the District of Columbia to identify trends in the number and types of claims, monitor types of vehicles involved in accidents and identify driving practices, procedures

or personnel that resulted in accidents. The ORM Director should share these findings and recommendations with the DPW Director.

4. The ORM Director should comply with ORM procedures and ensure that ORM claim files consistently include witness statements.

DPW LACKED PROPER INTERNAL CONTROLS FOR MANAGEMENT OF DISTRICT GOVERNMENT FUEL CARDS

According to the Government Accountability Office (GAO), Standards for Internal Control in the Federal Government, internal control is a major part of managing an organization. GAO states: "Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud." In addition, the GAO Standards state: "Transactions should be promptly recorded to maintain their relevance and value to management in controlling operations and making decisions. This applies to the entire process or life cycle of a transaction or event from the initiation and authorization through its final classification in summary records." While the GAO Standards for Internal Control apply to federal employees, the standards provide useful guidance for employees of the District government.

Most vehicles that are owned or leased by the District government refuel at DPW operated fueling stations. At DPW fueling stations, fuel keys and fuel rings are used to activate fuel pumps. In addition to fuel keys and fuel rings, DPW provides 14 agencies with Voyager fuel cards. In FY '09, \$144,550 was billed to Voyager fuel cards.

Voyager fuel cards function like credit cards, permitting the card holder to refuel at any gas station. To use a fuel card, most fuel card users enter a personal identification number (PIN) or a driver number. Invoices for fuel card purchases made with a PIN or driver number do not identify the vehicle that was refueled. The lack of vehicle identification presents a serious internal control weakness in that District government resources may be misused for personal or non-government purposes.

Voyager fuel cards are available with a vehicle identification feature. Only 6 of the 14 District of Columbia agencies use Voyager fuel cards with vehicle identification. The State of

Texas, State Vehicle Fleet Management Plan²⁵ states: “Fuel cards should be issued for specific vehicles, not for individual drivers. This allows for fuel cost monitoring of specific vehicles.”

The importance of vehicle identification for District government fuel cards was highlighted by an incident that involved the fuel card assigned to the Mayor. According to DPW fuel records, the Mayor’s fuel card was used by an MPD employee on Saturday, October 3, 2009 in Randallstown, Maryland. Randallstown is approximately 47 miles from the District of Columbia. Since the fuel card assigned to the Mayor did not have the vehicle identification feature, it could not be determined whether or not the MPD employee used the Mayor’s fuel card to refuel a government owned or leased vehicle assigned to the Mayor. While there is no evidence that the Mayor’s fuel card was used inappropriately, the incident demonstrates the importance of the vehicle identification feature for District government fuel cards.

Additionally, DPW did not have written policies and procedures that governed the use of Voyager cards. As a result, there were no written restrictions or standards on using Voyager cards to fuel personal or non-government vehicles.

Finally, DPW fuel reports include vehicle mileage, however, DPW did not monitor and assess mileage and fuel data to identify non-conforming or inconsistent patterns that indicate misuse or fraud. DPW should review mileage and fuel data to ensure that vehicles owned or leased by the District government are used for government owned or leased vehicles operated within the scope of employment.

RECOMMENDATIONS

1. The DPW Director should only issue fuel cards that include the vehicle identification feature. The DPW Director should immediately re-issue all current Voyager fuel cards with the vehicle identification feature.
2. The DPW Director should establish and monitor the implementation of policies and procedures for the use of District government fuel cards.

²⁵ State of Texas, State Vehicle Fleet Management Plan, September 2003, page 8.

3. The DPW Director should regularly monitor and assess vehicle mileage and fuel records for non-conforming patterns to identify misuse or fraud.

DPW LACKED PROPER INTERNAL CONTROLS TO PREVENT 15 VEHICLES NOT LISTED IN THE DPW VEHICLE INVENTORY FROM RECEIVING FUEL TOTALING \$27,395

In response to a request from the Auditor, the DPW representative provided a list of vehicles assigned to the five reviewed agencies for the audit period. The Auditor compared the DPW list of vehicles with DPW fuel reports and found that 15 vehicles, not included in the DPW list of vehicles, received fuel totaling \$27,395. Since DPW controlled access to DPW fuel pumps through fuel cards and fuel keys, DPW could have established controls that prevented vehicles that were not listed on the DPW vehicle inventory from receiving fuel. However, DPW did not implement the necessary controls and as a result, 15 vehicles that were not included in the DPW inventory received fuel. Table VIII presents 15 vehicles that were not listed in the DPW vehicle inventory that received \$27,395 in fuel.

Table VIII

15 Vehicles not Listed in DPW Vehicle Inventory That Received \$27,395 in Fuel

AGENCY	Vehicles not Listed by DPW	Amount of Fuel Received
DCPS	4	\$9,722
DCRA	3	\$8,859
DOH	4	\$7,627
DOES	4	\$1,187
TOTAL	15	\$27,395

RECOMMENDATION

The DPW Director should establish effective internal controls to ensure that only District government owned or leased vehicles listed in the DPW fleet inventory receive fuel.

CONCLUSION

The mission of DPW is to provide sanitation, parking enforcement, fleet maintenance, and energy related services to District of Columbia residents, visitors, and businesses to ensure safe, clean and aesthetic neighborhoods and public spaces. FMA, which is part of DPW, supports municipal operations by procuring vehicles through lease or purchase, fueling, and maintaining thousands of vehicles for use by District of Columbia government officials and personnel. Additionally, FMA is responsible for providing fleet policy, procedures and support services for the District of Columbia.

The Auditor's examination found that DPW did not provide District of Columbia agencies with comprehensive, uniform fleet management policies and procedures. DPW lacked standardized fleet policies and procedures, and did not monitor the application of policies and procedures established by agencies. DPW's failure to obtain, collect, and analyze accurate fleet data jeopardized the ability of the District of Columbia government to make informed fleet management decisions.

The Auditor found that DPW should establish a comprehensive, city-wide fleet management program that includes consistent vehicle management guidelines, standardized procedures and reports that provide accurate and complete fleet data. At the time of the audit, many of the resources that DPW could have used to establish a comprehensive fleet management plan existed, albeit in separate agencies, within the District of Columbia government.

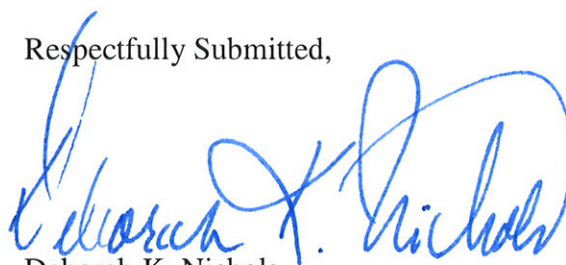
For example, DPW could have reviewed ORM's automobile damage claims to identify policy and procedural issues. DPW could have used data from the HAID program to identify problem drivers, and the CFSA On-Line Resource Scheduler, if replicated throughout the fleet, could have provided accurate reports on vehicle usage. DPW could have worked with DMV to monitor driver qualifications and developed a plan for payment of unpaid parking and traffic fines issued to District of Columbia government employees. However, DPW failed to use these resources or establish a city-wide fleet management plan. The following table presents a comprehensive fleet management plan based on resources that existed at the time of the audit.

Comprehensive Fleet Management Plan

	INPUT	OUTCOME
ORM	Vehicle accident claims How Am I Driving?	▪ Identify trends, policy and procedural issues ▪ Decrease claims ▪ Identify problem drivers
CFSA	Online Resource Scheduler	▪ Record of vehicle usage and purpose
DMV	Traffic Fines Driver's Licenses	▪ Identify vehicles with unpaid parking and traffic fines ▪ Monitor Driver Qualifications
DPW	Uniform, consistent policies and procedures Monitor agency performance Fuel Records Fuel Rings and Keys	▪ Standardized, monthly reports to agencies ▪ Compliance with fleet policy and procedures ▪ Analyze fuel records and mileage for utilization patterns and vehicle misuse ▪ Deactivate fuel rings and keys for vehicles with unpaid parking and traffic fines

A comprehensive fleet management program would ensure centralized control, accountability, uniform procedures and consistent fleet data that could be used to evaluate the cost and performance of vehicles that are owned or leased by the District of Columbia government.

Respectfully Submitted,



Deborah K. Nichols

District of Columbia Auditor

AGENCY COMMENTS

AGENCY COMMENTS

On December 18, 2009, the Office of the District of Columbia Auditor submitted the report in draft for review and comment to the Chancellor of the District of Columbia Public Schools (DCPS), Director of the Department of Consumer and Regulatory Affairs (DCRA), Director of the Child and Family Services Agency (CFSA), Director of the Department of Health (DOH), Director of the Department of Employment Services (DOES), Director of the Office of Risk Management (ORM), and Director of the Department of Public Works (DPW). On January 12 and 13, 2010, the Auditor received written comments from CFSA and ORM. DCRA provided written comments on January 19, 2010. On January 21, 2010, the Auditor received written comments from DPW. The Auditor did not receive a response from the Chancellor of DCPS, or Directors of DOES, and DOH.

The draft report was revised accordingly where appropriate based on written comments and supporting documentation provided by agency officials. The written comments are appended, in their entirety along with the Auditor's response, with this report.

AUDITOR'S RESPONSE TO ORM'S COMMENTS

The Auditor appreciates comments on the draft report that were provided by the Office of Risk Management (ORM). The Auditor made revisions, where appropriate, to the final report based on these comments and offers the following response to certain ORM comments.

1. **ORM Comment:** DCORM does comply with its own policies when appropriate. Witness statements provide firsthand knowledge of the events and circumstances. It is DCORM's desire to have a witness statement to assist in determining liability, but not all claims have identifiable witnesses to obtain a statement. If a witness is identified in any of the collected documents, DCORM will ensure that a statement is received from the witness if granted.

ORM also stated: Although the handling adjuster did not call the witness directly and get a statement, the witness did provide a statement to the Metropolitan Police Department. According to the claim records dated December 30, 2004, the police report was conclusive and cited the driver of the District of Columbia as being at fault for the loss. The adjuster used the police report as proof of liability, since the witness confirmed the facts of the loss on the police report, and made a timely settlement of the claim. So the handling adjuster did not see the need to ask the witness to provide another statement to another District of Columbia official when there (*sic*) statement was already a part of public record.

Auditor's Response: Section 5.2 of ORM's revised "Tort Liability Claims Handling Procedures," dated February 19, 2009, states: "obtain statements from all parties to the claim, including friendly and adverse witnesses..." Similarly, Section 3.1.4.d of the ORM Tort Liability Claims Manual that was in effect prior to the February 2009 revision states: "Witnesses must be interviewed and their statements must be included in the file." ORM suggests that policies and procedures should be followed "when appropriate". The Auditor disagrees with ORM's position regarding the lack of uniform application of ORM policies and procedures. ORM policies and procedures clearly required Claims

Specialists to interview witnesses. ORM policies and procedures did not provide Claims Specialist with the option of determining the appropriateness of interviewing witnesses. Additionally, ORM policies and procedures did not include a provision that precluded the need for Claims Specialist to obtain witness statements, if the witness made a statement to another District of Columbia official. The Auditor affirms the statement that ORM did not consistently comply with the requirements of the ORM Tort Liability Claims Handling Procedures and the ORM Tort Liability Claims Manual.

2. **ORM Comment:** DCORM disagrees with these findings. DCORM tracks monthly the tag number of vehicles that receive egregious complaints through the “How Am I Driving?” program. This effort assists with identifying problem drivers which are forwarded to the Agency Risk Management Representative, giving them a 15 day period to investigate and resolve the complaint.

Auditor’s Response: ORM had insufficient data to identify problem drivers. ORM only recorded tag numbers of vehicles that received “How Am I Driving” (HAID) complaints. ORM did not record the names of drivers who received HAID complaints. Without driver’s names, ORM was unable to determine if drivers received repeated complaints. The Auditor maintains the finding that ORM did not analyze HAID calls to identify problem drivers who received repeated HAID complaints.

AUDITOR'S RESPONSE TO DPW'S COMMENTS

The Auditor appreciates comments on the draft of this report that were provided by the Director of the Department of Public Works (DPW). Where appropriate, the Auditor made revisions to the final report based on these comments, and offers the following response to certain DPW comments.

1. **DPW Comment:** The Draft Audit Report highlights an important issue – which responsibilities should be handled by the agencies to whom vehicles in the government's fleet have been assigned, and which should be handled by the Department of Public Works (DPW) or the Office of Risk Management (ORM). Over the past year, ORM, the Office of the Attorney General, DPW, and the Mayor's Office have been working on a revised Vehicle Operator's Accountability Policy. This effort has been directed at identifying who is responsible for important aspects of our fleet operations, including maintaining vehicle lists, identifying authorized drivers, and conducting driver's license checks. This effort culminated in the issuance of Mayor's Order 2009-160 on September 23, 2009. I understand that this Order was not available while you prepared your audit. I believe that it addresses many of your concerns and that you share my expectation that as agencies implement this Mayor's order we will see improvement in fleet operations.

Auditor's Response: Mayor's Order 2000-75, which was issued May 11, 2000, designated DPW as the "single authority to establish, govern and monitor a total management program for the District Government." Mayor's Order 2001-85, issued June 12, 2001, required the head of each agency to implement and maintain a system of managing vehicles. Mayor's Order 2001-85 did not supersede Mayor's Order 2000-75. As a result, while agency Directors were required to implement a system for managing vehicles assigned to their agency, DPW retained responsibility as the "single authority" to govern and monitor a total fleet management program for the District of Columbia.

Mayor's Order 2009-160, effective September 23, 2009 rescinded Mayor's Orders 2000-75 and 2001-85. However, since the audit period, October 1, 2007 through June 1, 2009, preceded the effective date of Mayor's Order 2009-160, Mayor's Orders 2000-75 and 2001-85 were the relevant mandates for the audit.

While Mayor's Order 2009-160, assigned aspects of fleet operations to various agencies, Mayor's Order 2009-160 did not require DPW or any other "single authority" the responsibility to establish and implement a comprehensive fleet management plan. The audit findings highlight inefficiencies caused by de-centralized fleet management. In the absence of a comprehensive fleet management program under the authority and responsibility of an identifiable accountability official, the District of Columbia's fleet will continue to operate as an ineffective, inefficient de-centralized system that lacks consistent policies and procedures, accurate fleet data, and effective city-wide internal controls.

2. **DPW Comment:** Finally, Mayor's Order 2009-160 and its predecessor (Mayor's Order 2001-85) directs individual agencies to develop policies for managing the use of government vehicles, including payment of parking infractions, proper use of vehicles, and driver qualifications (including license checks) and directs ORM to review and approve those policies.

DPW further stated: DPW believes that each agency is in the best position to maintain records of authorized drivers and to maintain driving records of all vehicles.

DPW also stated: Moreover, Mayor's Order 2001-85, which was in effect at the time of the audit, mandated individual agency heads to develop systems to govern operation of vehicles while on authorized government business by recording mileage.

Auditor's Response: DPW repeatedly states that agencies are responsible for developing "policies for managing the use of government vehicles", maintaining "records of authorized drivers" and developing "systems to govern operation of vehicles while on authorized government business by recording mileage". Despite DPW's protestations to the contrary, the Auditor affirms and maintains the recommendation that to ensure efficient fleet operations DPW should provide comprehensive fleet management. As agencies develop fleet policies and maintain records, DPW should monitor agency implementation of policies and procedures and review agency records.

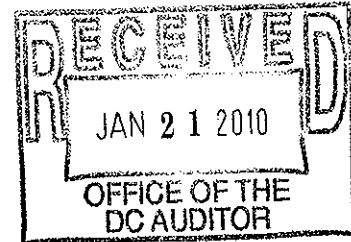
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS



Office of the Director

January 20, 2010

Deborah K. Nichols, District of Columbia Auditor
Office of the District of Columbia Auditor
717 14th Street, NW, Suite 900
Washington, DC 20005

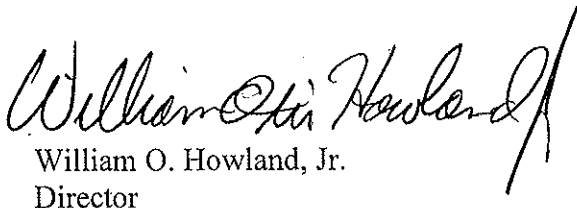


Dear Ms. Nichols:

Thank you for your examination of vehicle fleet operations in the District of Columbia and for the opportunity to comment on your Draft Audit Report on this topic. The Draft Audit Report highlights an important issue -- which responsibilities should be handled by the agencies to whom vehicles in the government's fleet have been assigned, and which should be handled by the Department of Public Works (DPW) or the Office of Risk Management (ORM). Over the past year, ORM, the Office of the Attorney General, DPW, and the Mayor's Office have been working on a revised Vehicle Operator's Accountability Policy. This effort has been directed at identifying who is responsible for important aspects of our fleet operations, including maintaining vehicle lists, identifying authorized drivers, and conducting driver's license checks. This effort culminated in the issuance of Mayor's Order 2009-160 on September 23, 2009 (Copy Attached). I understand that this Order was not available while you prepared your audit. I believe that it addresses many of your concerns and that you share my expectation that as agencies implement this Mayor's order we will see an improvement in fleet operations. While I am not in complete agreement with all of the recommendations set out in the Draft Audit Report, I believe that DPW has been working to achieve the same goals that are highlighted in the Draft Audit Report: to operate our vehicle fleet with greater safety and efficiency. Specific comments on the findings in the Draft Audit Report are attached.

Please feel free to contact Michael A. Carter, DPW Deputy Director, at (202) 671-2007. You may also contact Michael Biggs, Administrator, DPW -- Fleet Management Administration, at (202) 576-6799 or Yvette Judge, Management Analyst, DPW -- Office of the Director, at (202) 671-1403.

Sincerely,



William O. Howland, Jr.
Director

Enclosures

Department of Public Works
Response to the December 18, 2009 Draft Audit Report for the "Audit of the Fleet Management
Administration of the Department of Public Works" by the District of Columbia Auditor

FINDING #1: DPW failed to establish a management program for all phases of motor equipment management from initial procurement to vehicle disposal.

The report states that DPW failed to provide other agencies with comprehensive, uniform fleet management policies and procedures and that DPW did not have city-wide written policies for addressing various vehicle operation related issues including payment of parking infractions, improper use of vehicles, fleet refueling, inspection, criteria to be met in order to operate District vehicles (including driver's license verification), and whether vehicles may be brought home.

DPW is pleased to report that these concerns have largely been or are being addressed. Since 2003, DPW has provided fleet management policies and procedures set out in the District of Columbia's city-wide fleet policies and procedures manual and in 2003 each agency Vehicle Coordinator was provided with a printed copy of the fleet manual. In addition, employees can read (and print out) the District of Columbia City-wide fleet policies and procedures manual at DPW's intra-net website (the manual is included with the Fleet Management Administration information). After review of the Draft Audit Report, DPW has decided to revise and reformat the fleet manual to make it more user friendly for our customers. Once the revised fleet manual has been completed, each executive agency head and fleet coordinator will be provided a copy, and it will also be available through our website.

In addition, the matter of whether an employee may take a vehicle home is already addressed by statute, obviating the need for a separate policy. *See* DC Official Code § 50-204, which identifies those employees who may take a government vehicle home.ⁱ Accordingly, there is no need for an additional policy on this matter. However, the revised manual will include a copy of the law so that there is no question as to which employees are authorized to take vehicles home.

Finally, Mayor's Order 2009-160 and its predecessor (Mayor's Order 2001-85) directs individual agencies to develop policies for managing the use of government vehicles, including payment of parking infractions, proper use of vehicles, and driver qualifications (including license checks) and directs ORM to review and approve those policies. While this Order makes clear that it is not DPW's responsibility to develop these policies, DPW's expertise in this area will be communicated through the revised fleet manual and staff will be available to provide guidance.

Department of Public Works
Response to the December 18, 2009 Draft Audit Report for the "Audit of the Fleet Management
Administration of the Department of Public Works" by the District of Columbia Auditor

FINDING #2: DPW's data regarding vehicle inventory, fuel charges, and employees authorized to drive vehicles owned or leased by the District of Columbia Government was inconsistent.

A statement from the report alleges that DPW provided the requested list of vehicles, however, according to DPW the department did not maintain a list of employees from other Agencies who are authorized to operate vehicles owned or leased by the District of Columbia.

In this instance, DPW has merely used a different method to maintain the requested data. Procedure 3-0 of the Fleet Vehicular Policy and Procedure document provides that each Agency Head shall designate a Fleet Certifying Officer (**FCO**). The FCO is responsible for maintaining a list of all authorized drivers for the agency; ensuring that each driver is properly licensed to operate the appropriate class of vehicle; to maintain a file on each vehicle assigned to the department; and to ensure that drivers satisfy all tickets that are not dismissed through the adjudication process. DPW believes that each agency is in the best position to maintain records of authorized drivers and to maintain driving records of all vehicles. This position, that the agency is responsible for this information, was part of Mayor's Order 2001-85 and is reiterated in the new Mayor's Order 2009-160 effective September 23, 2009. A copy of Mayor's Order 2001-85 was provided and cited in previous responses to audit questions.

Also under this finding the report alleges that "while DPW listed the annual fleet inventory as a tool that was used to monitor agencies, the last mandated annual fleet inventory occurred in 2005".

The audit is erroneously referring to a congressional report, the District of Columbia Appropriations Act, 2004, Section 418 (b)ⁱⁱ, which is not an annual requirement or mandate. DPW conducts an inventory of the entire fleet on an annual basis with the last inventory being completed in 2009. Each January DPW requests that all agencies provide information to update the Vehicle Inventory Database. DPW relies on each agency to provide information and then uses the information provided to update the database. In 2010, DPW will conduct its annual vehicle inventory audit of the fleet to ensure that each vehicle is assigned to the correct agency. We are also revamping our inventory process to include analysis and reporting features.

The audit report alleges that "DPW listed 764 school buses as assigned to DCPS, not OSSE. As a result DPW erroneously charged DCPS for school bus fuel. Until this audit, neither DCPS nor DPW was aware of the fuel billing error".

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It must be noted that the school buses assigned to DCPS were assigned to that agency based upon information provided by DCPS. In turn, DPW charged DCPS for fuel based on the information provided by DCPS. When the Office of the State Superintendent of Education (**OSSE**) took over responsibility for school buses, neither that agency nor DCPS notified DPW of the need to change ownership of the vehicles. As indicated above, every January each agency is required to complete an Equipment Data Entry Form as part of the updating of the vehicle inventory data base. DCPS did not indicate that the school buses had been removed from their fleet and OSSE never completed forms to transfer the buses to their fleet. Even after being made aware of the issue, DCPS has still not completed the necessary forms to transfer the vehicles to OSSE. This issue will be rectified during the 2010 fleet inventory process.

FINDING #3: DPW did not have an effective driver safety program that included regular reviews of driver qualifications and driver training classes.

DPW has a driver safety program that includes classes and counseling for its employees. In addition, the ORM took over the How Am I Driving (HAID) Program and the responsibility for developing policies related to safe vehicle operation. The Draft Audit Report mentioned several examples of things that could be done to improve driver safety while at the same time noting that driver safety education is a function of the ORM. DPW is willing to work with the ORM to further develop programs that will help to improve safe operation of District owned and leased vehicles.

The report further indicated that DPW did not maintain a list of employees, from the five agencies that were reviewed, who were authorized to operate vehicles owned or leased by the District of Columbia. Pursuant to the current fleet manual Policy 3-0, the agency fleet coordinator is responsible for maintaining a list of current eligible drivers. In addition, the agency fleet coordinator is responsible for ensuring that the driver has the appropriate qualifications for operating vehicles. Mayor's Order 2009-160 now provides that each agency shall develop a policy to identify drivers, ensure that drivers are properly licensed and properly trained on the use of assigned vehicles. In addition, each agency is required to provide the ORM information on each authorized driver, including the driver's license number. The ORM is then responsible for sending the information to the Metropolitan Police Department (**MPD**) and the Department of Motor Vehicles for verification of operating privileges.

While the Draft Audit Report makes note that DPW does not have a written city-wide policy that prevented employees from driving if convicted of Driving While Intoxicated (DWI), Driving Under the Influence (DUI), or hit-and-run convictions or felony

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convictions involving a vehicle, Mayor's Order 2009-160 provides that if a employee has a change in license status, the employee must notify the agency fleet coordinator immediately. If the driver no longer has a license to operate a motor vehicle, the fleet coordinator shall immediately revoke the employee's authority to operate a District owned or leased vehicle. With respect to employees that have previous convictions on their driver's record but have a current license, DPW will work with the ORM and the Executive Office of the Mayor to develop a policy to determine if these employees will be prevented from operating a government vehicle.

The audit asserts that DPW could have significantly improved driver safety by reviewing ORM automobile damage claims and HAID calls to identify problem drivers and fleet procedural or driver training issues. However, because the HAID Program is the responsibility of the ORM and that office is responsible for notifying agencies of complaints regarding employee driving, implementation of this recommendation is outside of DPW's scope. Moreover, while we do not dispute that reviewing claims might yield useful data, we note that the Draft Audit Report does not cite any authority for its claim that driver safety would have "significantly improved" if such reviews had been conducted.

In the Draft Audit Report, DPW was cited for failing to implement a program to conduct random drug tests on employees with non-commercial driver's licenses who drove vehicles owned or leased by the District of Columbia. This proposal raises serious Constitutional questions. Compelled urine tests are searches for the purposes of the Fourth Amendment's prohibition on "unreasonable searches and seizures". See Skinner v. Ry. Labor Executives Ass'n, 489 U.S. 602, 617, 109 S. Ct. 1402, 103 L. Ed. 2d 639 (1989). Random drug tests run into two problems under the 4th amendment- there is no probable cause and there is no warrant. While there is a "special needs" exception that the Courts have read into the 4th Amendment under which the government can conduct random drug testing under special circumstances. Under this framework, a warrantless search may be legal if it serves "special needs, beyond the normal need for law enforcement," Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 653, 115 S. Ct. 2386, 132 L. Ed. 2d 564 (1995) (internal quotation marks omitted), if, upon conducting a balancing test, the government's interest in conducting the search outweighs the individual's privacy interest, *id.* at 652-53. Using this approach, the courts have upheld random drug testing programs for certain employees, e.g., CDL drivers and those who hold safety sensitive jobs. However, we are not aware of any case law extending this principle to all vehicle drivers. DPW's General Counsel has asked the Attorney General's Office of Legal Counsel for its views on this matter and we will forward them to you.

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But even if the proposal does pass legal review, if implemented as suggested for the approximately 3,000 people currently authorized to drive government vehicles for the District Government, the cost would be substantial.

FINDING #4: DPW lacked proper internal controls for management of fuel cards.

The audit noted that invoices for fuel card purchases made with a PIN or driver number do not identify the vehicle that was refueled. The lack of vehicle identification presents a serious internal control issue. Voyager fuel cards are available with a vehicle identification feature. Only 6 of the 14 District of Columbia agencies use Voyager fuel cards with vehicle identification. The audit further indicated that DPW did not have written policies and procedures that governed the use of Voyager cards. In order to address the Voyager fuel card issues, DPW will issue fuel cards that include the vehicle identification feature in the future to ensure that the assigned vehicle is being fueled. In addition, DPW will establish and monitor the implementation of policies and procedures for the use of fuel cards. The new policy will be contained in the revised fleet manual.

The Draft Audit Report suggested that DPW should review mileage and fuel data to ensure that vehicles owned or leased by the District of Columbia are used within the scope of employment. However, monitoring mileage and vehicle usage is an agency function. DPW cannot monitor how employees in other agencies are spending their time or how they are using vehicles. Drivers document their travel information (e.g., purpose of trip) on the Vehicle Equipment Operational Record form (Form 1001) that is maintained by the individual agencies, and agency fleet officials are to monitor and assess vehicle mileage and purpose of trip to determine if a vehicle is used within the scope of employment. To assist agencies in performing this function, DPW provides each agency with a monthly fuel report to determine if assigned vehicles are within the equipment utilization parameters. Moreover, Mayor's Order 2001-85, which was in effect at the time of the audit, mandated individual agency heads to develop systems to govern operation of vehicles while on authorized government business by recording mileage. Mayor's Order 2009-160, at section V-A also makes clear that individual agency heads are responsible for ensuring that vehicles are used for government business.

FINDING #5: *DPW lacked proper internal controls to prevent 15 vehicles not listed in the DPW vehicle inventory from receiving fuel totaling \$27,395.*

The Auditor compared the DPW list of vehicles with DPW fuel reports and found that 15 vehicles not included in the DPW list of vehicles, received fuel totaling \$27, 295. Since DPW controlled access to DPW fuel pumps through fuel cards and fuel keys, the report

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notes that DPW could have established controls that prevented vehicles that were not listed on DPW vehicle inventory from receiving fuel.

While vehicles not listed in the fleet should not have received fuel, there is no indication that the fuel costs were not recovered. Upon completion of a vehicle inventory of the entire fleet, DPW will be able to ensure that vehicles that are not listed will not receive fuel.

FINDING #6: DPW did not have an effective plan for collecting \$71,690 in unpaid traffic infractions.

Table I excerpted from page 6 of the Draft Audit Report:

Table I
Unpaid Traffic Infractions

UNPAID INFRACTIONS <i>Since 2002</i>	DPW	AGENCY	ACS	ACS TOTAL AMOUNT
DCPS	No Data	14	394	\$42,155
DCRA	3	31	38	\$ 4,000
CFSA	1	6	246	\$24,990
DOH	3	224	No Data*	No Data
DOES	No Data	1	7	\$ 545
TOTAL	7	276	685	\$71,690

**ACS did not collect data for DOH*

Before turning to the specific operational concerns raised by this statement, I would like to address the underlying data and assumptions. Table I in the Draft Audit Report (and also shown above) presents unpaid traffic infractions, allegedly since 2002, and allegedly as reported by DPW, ACS and the five reviewed agencies. The Table shows tickets

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incurred by various agencies as reported by DPW, by the respective agencies, and by ACS (the contractor who performs many ticket processing functions for the District). On first reading, the fact that the number of tickets reported by DPW is substantially lower than the number reported by ACS might suggest that DPW's records are incomplete. This is not the case. Instead, the number of tickets reported by DPW covers a shorter period, fiscal year (FY) 2008 through FY 2009, October 1, 2008 to June 1, 2009, (the original scope of the audit) while the number reported by ACS covers the period beginning in 2002. In addition, over half of the tickets issued were for vehicles that are not part of DPW's fleet – vehicles used by DCPS—and others were issued to vehicles that CFSA acquired and operated. The unpaid tickets for DCPS, as reported by ACS, amount to \$42,155 for a time period dating back to 2002. Prior to FY 2008, DCPS was an independent agency and was treated as such during the majority of the period when the \$42,155 in tickets was incurred. The \$24,990 in unpaid tickets for CFSA, as reported by ACS, is also very likely associated with vehicles leased by CFSA and not managed by DPW. The vendor, as the owner of the leased vehicle would receive notice of the outstanding parking fines, not DPW. The Draft Audit Report also reports that DPW was unable to provide information about vehicles assigned to DOES. We have not yet identified why this was the case, but will take steps to ensure that DPW maintains required information for all of the vehicles in its fleet.

But having noted all of this, DPW agrees that government employees who operate government vehicles should be required to pay parking fines like other vehicle operators. To this end, DPW has provided agencies with reports of the tickets issued to vehicles assigned to the agencies (while it may be, as the Draft Audit Report states, that the number of outstanding tickets reported by various agencies was inconsistent with data from DPW, every agency has had access to the ACS data). DPW has already begun to take steps to ensure agency vehicle coordinators are promptly made aware of vehicles with outstanding tickets so they can determine the driver and have the driver pay the ticket. DPW's director and other staff have impressed upon agency heads and agency fleet coordinators that the fines must be paid. In addition Mayor's Order 2009-160 clearly assigns the responsibility for establishing a system of holding drivers accountable for infractions to the respective agencies. Moreover, that Mayor's Order directs each agency to require individuals who drive vehicles on government business to sign a Vehicle Operator's Acknowledgement form in which the employee commits to pay any tickets incurred (unless the tickets are dismissed). In efforts to support agencies' efforts to collect outstanding parking fines, DPW will assist all agencies in setting up a monitoring system for payment of outstanding parking fines.

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ⁱ It states: (a) Except as otherwise provided in this section, no officer or employee of the District may be provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this subsection, the term "official duties" shall not include travel between the officer's or employee's residence and workplace; except in the case of (1) an officer or employee of the Metropolitan Police Department who resides in the District or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the D.C. Fire and Emergency Medical Services Department who resides in the District and is on call 24 hours a day; (3) the Mayor; and (4) the Chairman of the Council.

ⁱⁱ It states: (b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2004, an inventory, as of September 30, 2003, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

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56 D.C. REG. 7880, *

DISTRICT OF COLUMBIA REGISTER

ISSUE: Volume 56, Number 40

ISSUE DATE: October 2, 2009

SUBJECT: MAYOR'S ORDERS

56 D.C. REG. 7880

Star pagination is in accord with DCRGST hardcopy pagination.
 To view the next page, type .np* and ENTER
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GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order: **2009-160**

September 23, 2009

SUBJECT: Government and Personal Vehicle Operators Accountability Policy

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2009 Supp.), it is hereby ORDERED that:

I. The head of each agency shall implement and maintain a system of managing the use of vehicles for authorized government business that ensures safe operation of government vehicles; maximum compliance with laws and regulations governing operation of any vehicle while on authorized government business; accountability of operators for notices of infraction received as a result of operating any vehicle on government business or having assigned custody of a government vehicle; complete knowledge of the nature of vehicle assignments and custody; and appropriate operator qualification and training for vehicles operated. Each agency head shall incorporate this system into a written policy and submit this policy to the Director of the Office of Risk Management (ORM) for review and approval prior to its implementation.

*Head of agency
 ROV
 use
 pk
 infractions
 assign
 custody
 training*

II. The head of each agency shall submit to the Directors of the Department of Motor Vehicles (DMV), the Department of Public Works (DPW), and ORM the name, work address, email address, and telephone number of its Fleet Certifying or Fleet Coordinating Official (FCO) responsible for managing the agency's vehicles and other transportation resources by January 2nd of each calendar year. Whenever there is a change in the FCO, the agency head shall immediately notify DMV, DPW, and ORM in writing with the new information.

III. The FCOs shall establish and maintain a fleet registry of all vehicles assigned to their agency. The registry shall identify each vehicle's tag number, make, model and year, and shall include the status of the vehicle (leased or owned). If leased, the name, address, and contact information of the leasing company shall be provided.

IV. The FCO shall submit to DMV information about the agency's fleet that DMV requires for the operation of its Government Multi-Owner Fleet Program. This [*7881] program enables DMV and District agencies to track citations for parking and other violations issued with respect to District government vehicles.

V. Each agency's system of managing the use of vehicles for authorized government business shall include, at a minimum, the following requirements:

A. The agency shall not permit an employee to use a government or privately owned vehicle for District government business without the agency's advance written authorization. The agency may authorize an employee to use a government or privately owned vehicle for work activities that are within the scope of his or her employment. For the purposes of the Order, and for all agency authorizations, use of a vehicle for District government business shall be limited to use that is within the employee's scope of employment. Unless the agency otherwise expressly provides in writing, an employee is not performing District government business or acting within the scope of his or her employment while driving to or from work. The agency shall prohibit employees from transporting non-District government employees while using government or privately owned vehicles for District government business, unless transporting non-District government employees, such as agency clients, is one of the employee's job responsibilities, is permitted by agency policy, and is expressly authorized in writing. The agency may provide advance written authorization to an employee to use a government or privately owned vehicle for District government business on an annual or per trip basis. The FCO shall maintain copies of all written authorizations.

B. The agency shall maintain a daily record of who has custody of each agency-controlled government vehicle at all times, miles driven, purpose of the custody or use, physical condition before and after assignment, and reported accidents, incidents, citations or summons occurring during assignment.

C. The agency shall maintain documentation of the details of any employee's use of a personal vehicle for District government business, including the name of the employee, the make, model, tag number and year of the vehicle, the date and time of the use, the purpose of the use, and any reported accidents, incidents, citations or summonses occurring during the use.

D. The agency shall require each employee who is authorized to operate a vehicle on District government business to annually execute a Vehicle Operator's Acknowledgement Form. (See Attachment 1.) By signing this form, the employee commits to operating the vehicle in accordance with District of Columbia traffic regulations, and to complying with legal requirements for answering, adjudicating and paying tickets identified as issued while the vehicle is in his or her possession, while the vehicle is [*7882] assigned to him or her for use, or if privately owned, while used by the employee for District government business.

E. The agency shall require each employee who operates a District government or privately owned vehicle while conducting District government business to comply fully with the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731,01 et seq.), and DPW Department Order No. 2004-04, as they are in effect on the date of this Order and as they may be amended from time to time. The agency shall prohibit employees from driving while distracted, which includes using a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the device is equipped with a hands-free accessory.

F. The agency shall require each employee who operates a District government or privately owned vehicle while conducting District government business to maintain a valid driver's license and to have this license in his or her possession while on duty and operating the vehicle.

G. The agency shall require each employee to provide an agency-designated manager or supervisor with a copy of his or her valid driver's license, and any additional information required for license verification, upon assuming a position in which he or she is required or authorized to operate a District government or privately owned vehicle while conducting District government business. Each such employee shall be required to provide a copy of his or her driver's license and any accompanying information each year thereafter in conjunction with the employee's annual performance evaluation, and otherwise at the request of the agency. The agency may also require the employee to provide verification of his or her out-of-District driver's license and driver's record.

H. The agency shall send a copy of the employee's driver's license and any accompanying information to ORM. ORM shall submit this information to DMV or the Metropolitan Police Department (MPD) to verify the status of the employee's driver's license and official driver's record. DMV shall advise ORM of the results of this verification for all District of Columbia, Maryland, and Virginia driver's license holders. MPD shall verify driver's licenses issued by all other state jurisdictions. ORM shall provide each agency FCO with the results of these verifications and the FCO shall maintain a record of each employee's driver's license, driving record, and the results of the verification provided by DMV, MPD, or the employee.

I. The agency shall require each employee to immediately, and no later than the next scheduled work day, notify an agency-designated manager or supervisor of any change in his or her driver's license status. Failure by an employee to timely report a change in driver's license status may result **[*7883]** in disciplinary or administrative action. The FCO shall maintain a record of this information, and the agency shall promptly provide this information to ORM.

J. If an employee's driver's license or driver's record fails to comply with applicable requirements for the lawful operation of a vehicle, the agency shall revoke the employee's privilege of driving a District or personal vehicle for District government business. This revocation shall be in addition to any other action that may be taken by the agency.

K. The agency shall require all employees who operate commercial vehicles to have in their possession a valid and appropriate Commercial Driver's License (CDL) in the course of their job duties. Agencies shall abide by Section 391.25 of the Federal Motor Carrier Safety Regulations for annual review of each employee commercial motor vehicle operator's license or permit to ensure compliance with federal Motor Carriers Safety Regulations and Hazardous Materials regulations. Employees are required to self report at least once every twelve (12) months, on all violations of motor vehicle traffic laws and ordinances (other than parking violations) of which the driver has been convicted or on account of which the driver has forfeited bond or collateral during the preceding twelve (12) months. This reporting shall be in addition to any other reporting required by federal or District law, or District government policy (including any policy of the employee's agency).

L. The agency shall only allow an employee to operate one personal vehicle for District government business and shall require the employee to provide a copy of the vehicle registration for this vehicle to an agency-designated manager or supervisor before using the vehicle for District government business. The FCO shall maintain copies of the current registrations for all authorized personal vehicles, and the agency shall forward a copy of each registration to ORM. The agency shall notify ORM immediately of any changes in vehicles.

M. The agency shall require an employee who operates a privately owned vehicle while conducting District government business to provide an agency-designated manager or supervisor with proof of automobile insurance coverage (declaration page) for the vehicle and proof of compliance with all registration, inspection, and other requirements applicable to the vehicle at the same time as the employee provides a copy of his or her driver's license. If there is a change in status of automobile insurance coverage or compliance with other requirements, the employee shall be required to notify the agency-designated manager or supervisor within three (3) business days of receipt of notice of the change. The FCO shall maintain a record of this information, and the agency shall provide copies of these documents to ORM. If the agency authorizes an employee [*7884] to use a privately owned vehicle to transport non-District government employees, such as agency clients, as part of the employee's job responsibilities, the agency shall require the employee to maintain insurance coverage for these individuals.

N. The agency shall require employees to report business use of privately owned vehicles to their insurance carrier, if not previously reported.

O. The agency shall provide the employee with written notice that the allowance available for expenses associated with the operation of a personal vehicle for official business is limited to reimbursement for mileage at the applicable rate. The agency shall require employees to use the appropriate District form to document mileage and request reimbursement of the allowance.

P. The agency's written notice shall also inform the employee that District government employees authorized to operate their personal vehicles for government business are covered by the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 519; D.C. Official Code § 2-411 et seq.), which generally provides that a District employee is not personally liable for property damage or personal injury to a third party resulting from a motor vehicle accident occurring while the employee is acting within the scope of his or her employment. The notice shall require the employee's agreement that the District government's liability for property damage to his or her personal vehicle shall be limited to any settlement the District may make of a claim made under the Military Personnel and Civilian Employees Claim Act of 1964 (Act), approved August 31, 1964 (78 Stat. 767; 31 U.S.C. § 3721). If an employee makes a claim under this Act and the loss did not result from the employee's negligent or wrongful conduct, ORM may, in its discretion and in accordance with the Act and any applicable rules, settle such a claim for an amount that does not exceed \$ 10,000. Finally, the notice shall specify that if the employee is injured while carrying out District government business, the employee shall be limited to making a claim under the Disability Compensation Program established by the District of Columbia Government Comprehensive Merit Personnel Act, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.01 et seq.).

Q. The agency shall require the vehicle operator or custodian to immediately notify an agency-designated manager or supervisor of any accidents, incidents, citations or summons incurred while operating, or having custody of, a vehicle on authorized District government business. This information shall be forwarded to the FCO. With respect to tickets issued to employees driving government vehicles: [*7885]

1. Each FCO shall, after receiving notification of outstanding ticket(s), respond to the tickets in one of two ways: by identifying those tickets eligible for administrative dismissal or by identifying by name, address and driver's permit number of the vehicle operator those tickets that will not be recommended for dismissal.

2. Each FCO shall submit to DMV those tickets identified for administrative dismissal and those tickets that are eligible to be transferred to the operator of the vehicle within thirty (30) calendar days.

3. Each FCO shall notify the vehicle operator of tickets that are not eligible for administrative dismissal and the appropriate procedure to address the ticket within fifteen (15) calendar days of receipt of notification of ticket(s).

4. Each FCO shall notify drivers who are identified as responsible for a vehicle when an infraction is issued to the vehicle of the options for answering a ticket.

R. The agency shall require the vehicle operator or custodian to submit a completed Motor Vehicle Accident Report Form to an agency-designated manager or supervisor no later than forty-eight (48) hours after an accident. (See Attachment 2.) The FCO shall maintain a copy of this form and the agency shall submit a copy to ORM within forty-eight (48) hours of receipt from the employee.

S. The agency shall prohibit the use of District government vehicles for DMV driver's tests, except that DPW employees may use District government vehicles for CDL driver training and testing.

T. ORM shall provide each Agency Risk Management Representative (ARMR) and FCO with a monthly report listing tickets issued to agency vehicles. The FCO shall have thirty (30) calendar days from the postmark date of the monthly report to respond to DMV. The FCO shall respond in one of two ways: identify those tickets eligible for administrative dismissal or identify by name and driver's permit number the vehicle operator for tickets that will not be recommended for dismissal,

VI. The Director of ORM is hereby delegated the Mayor's authority to issue rules governing the settlement of employee claims for personal property damage or loss under the Military Personnel and Civilian Employees Claim Act of 1964, approved August 31, 1964 (78 Stat. 767; 31 U.S.C. § 3721). Settlement of these claims shall not exceed \$ 10,000 per occurrence. **[*7886]**

VII. This order shall supersede Mayor's Order 2001-85, dated June 12, 2001, in its entirety and shall supersede paragraph 6 of Mayor's Order 2000-75, dated May 11, 2000, to the extent of any inconsistency.

VIII. EFFECTIVE DATE: This Order shall become effective immediately.

ADRIAN M. FENTY
MAYOR

ATTEST:
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA
[*7887]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
VEHICLE OPERATOR'S ACKNOWLEDGEMENT FORM

Operator's Name:

Driver's License #:

Agency:

Telephone Number:

Email Address:

I. Operation of a vehicle for government business

A. Performance of my duties on behalf of the Government of the District of Columbia requires my operating a government or authorized vehicle on government business. I acknowledge that it is my responsibility to operate any government or authorized vehicle in a safe manner and in full compliance with the law. This includes regular use of seat belts, strict adherence to speed limits, traffic lights and signs, compliance with parking restrictions, and strict adherence to prohibitions and requirements for the prevention of distracted driving.

B. I understand and agree that I am solely responsible for any notices of infraction received as a result of operating, or having custody of, a vehicle on District government business, including parking tickets, red-light camera tickets, and speeding tickets. I agree to answer any such notices of infraction within thirty (30) days of receipt. I agree to report any notices of infraction received as a result of operating, or having custody of, a vehicle on District government business, as well as any vehicular accidents to my designated supervisor or manager immediately. I agree to complete and submit the Motor Vehicle Accident Report Form to my designated supervisor or manager within forty-eight (48) hours of a vehicular accident.

C. I agree to maintain a valid driver's license sufficient to permit me to operate a vehicle lawfully on District government business. I agree to provide a copy of my driver's license to my designated supervisor or manager annually and otherwise at my agency's request. I further agree to notify my designated supervisor or manager of any change in the status of my driver's license by my next scheduled work day. If my driver's license was issued by a jurisdiction other than the **[*7888]** District of Columbia, I agree to obtain verification of the status of my driver's license and my driving record from the issuing jurisdiction at my agency's request.

D. I understand and agree that I may not transport non-District government employees in a government or privately owned vehicle while on District government business unless such transportation is permitted by agency policy and I have been expressly authorized in writing to do so by my agency. I further understand and agree that, unless my agency expressly provides otherwise in writing, driving to or from work is neither District government business nor within the scope of my employment.

II. Use of privately owned vehicles by District employees:

A. I understand and agree that I may use a privately owned vehicle for District government business, within the scope of my employment, only at the discretion of and with the approval of my designated supervisor or manager. I understand that I may request a mileage allowance at the rate established under applicable law and regulations for the expenses associated with authorized use of a privately owned vehicle for District government business. I understand and agree that if I am involved in an accident while acting within the scope of my employment in the course of my official duties, my liability for personal injury and property damage to third parties will be governed by the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 519; D.C. Official Code § 2-411 et seq.). I

further understand and agree that if I am injured while carrying out District government business, I am limited to making a claim under the Disability Compensation Program established by the District of Columbia Government Comprehensive Merit Personnel Act, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.01 et seq.). I understand and agree that the District's liability for property damage to my personal vehicle sustained incident to its authorized use for District government business shall be limited to any settlement the District may make of a claim made under the Military Personnel and Civilian Employees Claim Act of 1964 (Act), approved August 31, 1964 (78 Stat. 767; 31 U.S.C. § 3721). I understand and agree that the District may, in its discretion, settle such a claim in accordance with the Act and any applicable rules, for an amount that does not exceed \$ 10,000. I understand and agree that I will not receive compensation for property damage to my personal vehicle resulting from my own negligent or wrongful conduct.

B. I agree that, if I am authorized to use a privately owned vehicle for government business, I shall identify and use only one vehicle for this purpose. I agree to maintain insurance coverage for this vehicle and for any non-District government employee I am authorized to transport and to report business use of this vehicle to the insurance carrier. I further agree to comply with all applicable registration, inspection and other requirements for the vehicle and to provide proof of compliance with these requirements, and of insurance coverage, to my designated **[*7889]** supervisor or manager annually and otherwise at my agency's request. I agree to notify my designated supervisor or manager of any change in the status of automobile insurance coverage or other requirements within three (3) business days of receipt of notice of such change.

I understand that failure to comply with the requirements stated in this notice may result in disciplinary or administrative action against me, up to and including termination of employment.

Signature:

Date: **[*7890]**

[See the Form in printed version] **[*7891]**

[See the Form in printed version] **[*7892]**

[See the Form in printed version]

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DISTRICT OF COLUMBIA GOVERNMENT DC OFFICE OF RISK MANAGEMENT

Kelly Valentine
Chief Risk Officer

January 13, 2010

Deborah K. Nichols
District of Columbia Auditor
717 14th Street NW Suite 900
Washington, DC 20005

Dear Ms. Nichols,

Per the Office of the District of Columbia Auditor (ODCA) *Audit of the Fleet Management Administration of the Department of Public Works*, the District Office of Risk Management (DCORM) has reviewed the final audit report. Below, please find our responses to the recommendations and responses to five (5) ODCA findings.

ODCA Recommendations

ODCA Recommendation 1: DPW should develop and implement a program to increase driver safety that includes random drug tests of non-commercial drivers, regularly scheduled defensive driving classes, and collaboration with ORM regarding automobile property damage claims and "How Am I Driving?" calls.

DCORM Response: DCORM agrees with this recommendation. DPW conducts random drug testing for its commercial drivers. Several District agencies are currently looking at policy and best practices to provide non-commercial drivers with random drug testing. DPW offers monthly training on defensive driving through their in-house training Academy. Through the "How Am I Driving?" program, DPW and DCORM track the tag numbers of vehicles that receive multiple complaints to assist in identifying repeat offenders. Our intent is to enhance the oversight by not only reviewing the tag numbers but drilling down to the actual driver level by requiring agencies to provide employees names with their response.

ODCA Recommendation 2: DCPS should participate in the "How Am I Driving?" program

DCORM Response: DCORM agrees with this recommendation. DCPS is participating in the "How Am I Driving?" program. As a result of the DCPS/DDOT fleet transition to OSSE, DCPS participation with the "How am I Driving?" program was delayed. OSSE was given the responsibility to manage DCPS school bus fleet, and DCORM will continue to work closely with OSSE to ensure full participation in the "How Am I Driving?" program.

ODCA Recommendation 3: ORM should analyze automobile damage claims involving vehicles owned or leased by the District of Columbia to identify trends in the number and types of claims, monitor types of vehicles involved in accidents and identify driving practices, procedures or personnel that resulted in accidents. ORM should share their findings and recommendations with DPW.

441 4th Street NW, Suite 800S, Washington DC 20001

Office: 202-727-8600 ♦ Fax: 202-727-8319



DISTRICT OF COLUMBIA GOVERNMENT DC OFFICE OF RISK MANAGEMENT

Kelly Valentine
Chief Risk Officer

DCORM Response: DCORM agrees with these findings. DCORM with the Executive Office of the Mayor (EOM) and the Office of the City Administrator (OCA), created Mayor's Order 2009-160 *Government and Personal Vehicle Operators Accountability Policy*. This administrative issuance outlines the role of various agencies to ensure proper operation of District government vehicles. Specifically, DCORM is responsible for overseeing various components of the order. Below is a list of DCORM's responsibilities:

- Approve all agency internal vehicle operator policies and procedures.
- Verify all District government vehicle operator driver's licenses
- Collect and maintain insurance coverage information for all District government employees who operate personal vehicle for District government business.
- Collect and track Motor Vehicle Accident Report Forms within 96 hours of an accident involving a lease or owned District government vehicle.
- Supply monthly reports to all agency FCO's and ARMR's

ODCA Recommendation 4: ORM should comply with ORM procedures and ensure that ORM claim files consistently include witness statements.

DCORM Response: DCORM does comply with its own policies when appropriate. Witness statements provide firsthand knowledge of the events and circumstances. It is DCORM's desire to have a witness statement to assist in determining liability, but not all claims have identifiable witnesses to obtain a statement. If a witness is identified in any of the collected documents, DCORM will ensure that a statement is received from the witness if granted.

ODCA Findings

ODCA Finding page 6, paragraph 1: The Auditor found that neither the agencies nor DPW had effective policies for tracking, monitoring, and collecting unpaid traffic infractions incurred on vehicles owned or lease by the District of Columbia.

DCORM Response: The District of Columbia Office of Risk Management (DCORM) currently tracks the District traffic infractions through Third-Party ACS program. In addition, DCORM provides a monthly report to Agency Risk Managers regarding the number and dollar amount of outstanding and new traffic infractions.

ODA Finding page 14, paragraph 4: ORM did not conduct a study to determine why the number of automobile accident damage claims paid for vehicle assigned to DCRA increased from \$6,669 in FY 08 to \$124,830 in FY 09 or why DPW automobile accident damage claims increased from \$205,132 in FY 08 to \$346,259 in FY 09. Such Studies could have provided



DISTRICT OF COLUMBIA GOVERNMENT DC OFFICE OF RISK MANAGEMENT

Kelly Valentine
Chief Risk Officer

relevant information that prevented future accidents and subsequent claims. Thereby protecting residents and resources of the District of Columbia.

DCORM Response: DCORM disagrees with these findings. There were 3 claims FY 08 paid totaling \$6,669 for DCRA. FY 09, DCORM records indicate that one DCRA claim for \$2930.00 was paid and it was a general liability claim and not an auto claim involving a vehicle owned or leased by the District of Columbia. There are still 2 claims where the payment is pending totaling \$12,190.00 that should be paid FY 10. DCORM is not sure where the figure of \$124,830 in claims paid came from when total claims paid since FY 04 total \$46,371.00. As for the total pending of \$12,190 one claim is for auto damage of \$6935.00 and the other for a bodily injury settlement resulting from the same accident of \$5,255.00. A review of DPW payments FY 08 and FY 09 confirmed that 45 payment request totaling \$104,428, were carried over from FY 08 to FY 09. Also, the average number of days to pay a claim decreased from 51 days FY 08 to 42 days FY 09. The number of claims for DPW did increase from 1519 to 1833, but this was not because the number of incidents increased, but DCORM's claims intake procedure was modified. By partnering with the OUC, DCORM now accepts claim notices over the phone. When a constituent calls 311 to report an incident, they are referred to DCORM to file a claim if they choose. This procedure has proven to be more customer service oriented, thus increasing the number of claims filed as a whole.

ODCA Finding page 15, paragraph 2: DPW could have used ORM reports or analysis of automobile damage claims to identify trends in the number and types of claims, monitor types of vehicles involved in accidents and identify driving practices, procedures or personnel that resulted in accidents. These kinds of ORM reports could have been used to increase driver safety and decrease automobile property damage claims. In addition, a review of ORM claims could have identified problems with agency procedures or specific agency personnel.

DCORM Response: In an effort to ensure a more focused review, since June 2009 DCORM has requested that all agencies, including DPW, provide us with copies of ALL incident reports so that we may:

1. Be proactive in identifying exposure and liability.
2. Recover money owed to the District of Columbia thru the subrogation / recovery process from at fault insurance carriers and other third parties. Thus collecting owed revenue for the District of Columbia.
3. Conduct an accurate trend analysis of number of claims, types of accidents, etc. that would help agencies obtain the proper training for their associates, thus being more proactive in manage their assigned vehicles owned or leased by the District of Columbia.

ODCA Finding page 18, paragraph 1: Based on the Auditor's review of HAID records, agencies did not consistently report their findings regarding HAID calls. In fact, less than 10% of HAID reports included agency findings. In addition, ORM did not analyze HAID calls to identify problem drivers who received repeated HAID complaints.



DISTRICT OF COLUMBIA GOVERNMENT DC OFFICE OF RISK MANAGEMENT

Kelly Valentine
Chief Risk Officer

DCORM Response: DCORM disagrees with these findings. DCORM tracks monthly the tag number of vehicles that receive egregious complaints through the "How Am I Driving?" program. This effort assists with identifying problem drivers which are forwarded to the Agency Risk Management Representative, giving them a 15 day period to investigate and resolve the complaint. DCORM provides the agencies with 2 training sources for their identified problem drivers (Chesapeake Region Safety Council and the American Automobile Association AAA).

ODA Finding page 18, paragraph 3: ORM files failed to consistently comply with the requirements of both the ORM Tort Liability claims Handling Procedures and the ORM Tort Liability Claims Manual. As a result, a reliable audit trail could not consistently be established. For Example, in FY 06 DCORM settled an Auto Bodily Injury Property Damage (ABID) claim for \$4935. The DCORM file did not include statements from all parties to the claim as required by Section 3.1 of the ORM Tort Liability Claim Manual. Witness statements would have been particularly relevant since the file included a note from the ORM Adjuster that: "There is a question as to whether the claimant had the red light."

DCORM Response: DCORM disagrees with these findings. Although the handling adjuster did not call the witness directly and get a statement, the witness did provide a statement to the Metropolitan Police Department. According to the claim records dated December 30, 2004, the police report was conclusive and cited the driver of the District of Columbia as being at fault for the loss. The adjuster used the police report as proof of liability, since the witness confirmed the facts of the loss on the police report, and made a timely settlement of the claim. So the handling adjuster did not see the need to ask the witness to provide another statement to another District of Columbia official when there statement was already a part of public record.

Sincerely,

Kelly Valentine
Director

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



IN REPLY REFER TO

Deborah K. Nichols,
District of Columbia Auditor
717 Street N.W.
Suite 900
Washington, DC 20005

January 13, 2010

Dear Ms. Nichols:

We have reviewed the Draft Audit findings for Fleet Management Administration of the Department of Public Works, dated December 18, 2009. We appreciate the opportunity to review and add clarifying comments in support of these initial findings with the goal of improving vehicle accountability for the District of Columbia.

Child and Family Services Agency (CFSA) is in the final phase of revamping current Vehicle Accountability and Driver's Requirements in support of the Mayor's Order: 2009-160, Government and Personal Vehicle Operators Accountability Policy, dated September 23, 2009. This process involved integrating existing policies, reinforcing implementation of previous accountability measures, gathering input from labor representatives and finalizing the new policies with the Office of Risk Management (ORM) and Office of Attorney General.

The summary below provides clarifying data and additional information in support of the referenced Audit above:

Page 3 - Parking Infractions

CFSA currently is using a previously distributed policy for monitoring and managing parking infractions. A copy of this policy is attached.

Page 4 - Policy and Procedures

The agency has a new hire employment background record check process that provides criminal history associated with felony convictions including vehicular offenses. Also, it should be noted that CFSA has a random drug and alcohol test program for all employees that operate vehicles in conducting agency business. A copy of this policy is attached.

Page 6 – Collection of Unpaid Traffic Infractions

CFSA has a process that was implemented several years ago for monitoring and managing traffic infractions. The process includes tracking infractions that are forwarded to the agency and following up with employees for payment and/or adjudication of citations.

Page 13 – Driver Qualifications and Training

Currently the driver's record verification process is conducted in partnership with the DC ORM and in compliance to the Mayor's Order dated September 23, 2009. CFSA as mentioned implemented a new hire employment background record check process that provides criminal history associated with felony convictions including vehicular offenses.

Again, our agency appreciates the opportunity to provide additional information on the audit findings and if you have any questions or need any further information, please contact me on (202) 727-7557.

Sincerely,



Raymond Davidson

Chief Administrative Officer, CFSA

Enclosure

Copy to:
Lawrence Perry
Loren Ganoe

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



IN REPLY REFER TO:

MEMORANDUM

MEMORANDUM

TO: ALL STAFF

FROM: Ronnie E. Charles, SPHR, IPMA-CP
Senior Deputy Director for Administration

DATE: 12 May 2008

SUBJECT: Vehicle Use Accountability

As a CFSA employee you are required to comply with the following vehicle use guidelines when operating any CFSA leased, owned or contracted (ZIP) vehicle:

1. No eating or drinking in the vehicle (moving or parked)
2. Refuel the vehicle if there is less than half a tank of fuel
3. Return the keys and the vehicle immediately upon completion of the trip
4. Remove all trash, car seats, or miscellaneous client belongings from the vehicle
5. Notify Fleet Management of any accident or damage to a vehicle immediately upon return
6. No illegal/improper parking at 400 6th Street (double-parking; parking in unauthorized areas
7. (ZIP ONLY) When necessary, CSFA employees should cancel/extend reservations in a timely manner
8. No smoking in the vehicles
9. Obey all traffic laws of the jurisdiction in which you are driving
10. Pay all traffic violations on-time (parking, speeding, and/or red light tickets)
11. No using agency vehicles for non-CFSA business (taking vehicle to unauthorized locations)
12. No engaging in behavior/activities that would lead to negligent damage to the vehicle (including theft)

All violations of the guidelines are subject to disciplinary action. A monthly report will be provided to each Administrator noting the staff persons who have committed any of the above violations. For each violation the appropriate disciplinary actions are listed below. Supervisors should consult with Human Resources prior to issuing any disciplinary letters.

Consequences for the following reported violations (1-7) are as follows:

1. Eating or drinking in the vehicle (moving or parked)
2. Failure to refuel the vehicle if there is less than half a tank of fuel
3. Failure to return the keys and the vehicle immediately upon completion of the trip
4. Failure to remove all trash, car seats, or miscellaneous client belongings from the vehicle

5. Failure to notify Fleet Management of any accident or damage to a vehicle immediately upon return
6. Improper parking at 400 6th Street
7. (ZIP ONLY) Failure to cancel/extend reservations in a timely manner

- | | |
|---|------------------------------|
| 1 st Offense (Violations 1-7): | Letter of Admonition |
| 2 nd Offense (Violations 1-7): | Letter of Reprimand |
| 3 rd Offense (Violations 1-7): | Suspension (9 days or less) |
| 4 th Offense (Violations 1-7): | Suspension (10 days or more) |
| 5 th Offense (Violations 1-7): | Recommend Termination |

Consequences for the following reported violations (8-11) are as follows:

8. Smoking in the government vehicle
9. Traffic violations (parking, speeding, and/or red light tickets) or failure to pay fines associated with infractions
10. Improper use of the vehicle (taking vehicle to unauthorized locations)
11. Negligent damage to the vehicle (including theft)

- | | |
|--|------------------------------|
| 1 st Offense (Violations 8-11): | Reprimand |
| 2 nd Offense (Violations 8-11): | Suspension (9 days or less) |
| 3 rd Offense (Violations 8-11): | Suspension (10 days or more) |
| 4 th Offense (Violations 8-11): | Recommend Termination |

In using the above guidelines, supervisors should consider the frequency, patterns, and time between infractions, in consult with HR, before determining disciplinary action. Please call Ella Roberson, Facilities Management Program Manager on 202-727-7556 if you have any questions regarding vehicle use accountability.

POLICY TITLE: Mandatory Employee Drug and Alcohol Testing		PAGE 1 OF 6
CHAPTER : Human Resources		
	CHILD AND FAMILY SERVICES AGENCY  Approved by: _____ Signature of Agency Director	PROFESSIONAL STANDARDS See Section VII.
EFFECTIVE DATE: December 06, 2006	LATEST REVISION: February 14, 2007	REVIEW BY LEGAL COUNSEL: 09/15/06

I. AUTHORITY	The Director of the Child and Family Services Agency ("CFSA") adopts this policy to be consistent with the Agency's mission and applicable Federal and District of Columbia law and regulations including: Title XX-C of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, added by Title 1 of D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Official Code § 1-620.31 <i>et seq.</i> (Supp. 2006); Chapter 39 of the D.C. Personnel Regulations (6 D.C.M.R. 3900 <i>et seq.</i>) (2005); and 49 C.F.R. Part 40.
II. APPLICABILITY	This policy applies to the following CFSA employees and applicants: • All applicants for employment; • All CFSA employees in safety-sensitive positions; • CFSA employees who have had a reasonable suspicion referral; • Post-accident employees, as soon as reasonably possible following an accident; and • CFSA employees who operate a motor vehicle in the performance of their duties.
III. RATIONALE	To ensure the health and safety of children and youth, the District has enacted legislation requiring mandatory drug and alcohol testing of all applicants and employees in safety-sensitive positions. These are the same positions identified in the Criminal Background Check Program. Several CFSA positions are covered under this program. As a result, the CFSA has implemented a Mandatory Employee Drug and Alcohol Testing Program. The purpose of this policy is to establish and maintain a drug-free workplace at the CFSA. Methods used to achieve this purpose include education, intervention, rehabilitation, and disciplinary action. This policy encourages a drug-free work environment to promote the health, safety and welfare of employees, reinforce institutional security, and foster the public's trust in the integrity and professionalism of our employees. Individuals impaired by the use of alcohol or drugs are harmful to themselves and the Agency's mission.

IV. POLICY	This policy establishes a Mandatory Drug and Alcohol Testing Program for CFSA employees and applicants who are or will be employed in safety-sensitive positions. The use, possession, or dispensation of illegal drugs or controlled substances by CFSA employees while on duty is prohibited. The use of alcohol or impairment from alcohol, while on duty is prohibited. Therefore, it is the policy of CFSA to require drug and alcohol testing of covered employees and all candidates for employment.	
V. CONTENTS	A. Notification B. Substances Tested C. Testing Categories D. Testing Procedures E. Penalties F. Confidentiality G. Employee Assistance Program (EAP) H. Training	
VI. ATTACHMENTS	A. Definitions B. Acknowledgement Form C. Drug and Alcohol Testing Form D. Drug and Alcohol Testing Instructions	
VII. PROCEDURES	Procedure A: Notification 1. Employees shall be given at least a 30-day written notice that CFSA is implementing a drug and alcohol testing program. 2. Upon receipt of a written notice of the program, each employee shall be given one (1) opportunity to seek treatment if he/she acknowledges a drug or alcohol problem. Thereafter, any confirmed positive drug test results, positive breathalyzer test, or a refusal to submit to a drug test or breathalyzer will be grounds for termination of employment in accordance with District government law or regulations. 3. Any employee acknowledging a drug or alcohol problem upon receipt of the advance written notice shall undergo and complete a counseling and rehabilitation program, and shall not be subject to administrative action while completing the counseling and rehabilitation program. However, if that employee holds a safety-sensitive position, he/she shall be immediately detailed to a non-safety-sensitive position while he/she completes the counseling and rehabilitation program. After completion of the counseling and rehabilitation program, the employee shall be tested before being allowed to return to the safety-sensitive position he/she held prior to completion of the program. 4. Management is required to ensure that employees are notified of the drug testing policy upon initial employment and upon any change in an employee's status. Refusal by an employee to complete the required forms (see <i>attachment B</i>) shall be documented, signed, and dated by a supervisor and witnessed by the Program Manager. This action shall constitute official employee notification.	
POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
Mandatory Employee Drug and Alcohol Testing	Human Resources	Page 2 of 6

	5. Vacancy announcements for all safety-sensitive positions within CFSA will clearly state the Mandatory Employee Drug and Abuse Policy is applicable to these positions. This includes the information that applicants will be tested for drug and alcohol abuse and are subject to further drug and alcohol testing upon acceptance of the position.
	Procedure B: Controlled Substances Tested Urine specimens obtained for drug tests will be subject to an initial Enzyme-Multiplied-Immunoassay Test (EMIT) for illegal drug which includes, but is not limited to, the following substances: 1. Marijuana (THC) 2. Cocaine 3. Opiates 4. Amphetamines; and 5. Phencyclidine (PCP) If a specimen is presumptively positive, the result will be confirmed using the Gas Chromatography/Mass Spectrometry (GC/MS) testing method.
	Procedure C: Test Categories All employees subject to this policy shall be tested for drug and alcohol use in the following circumstances: 1. Applicant Testing - Drug or alcohol testing is required as a condition of employment. Testing may be part of the application process before an offer is made; or as part of the hiring process after an offer of employment is made, but before the qualified candidate commences work. (Applicant may be offered employment contingent upon a receipt of satisfactory drug testing results and may be assigned to a non safety sensitive position prior to receiving the results.) 2. Reasonable Suspicion Referral Testing - Drug or alcohol testing is required when a supervisor has a reasonable belief that an employee is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired. 3. Post-Accident Testing - Drug or alcohol testing conducted after an accident involving an employee who, while on-duty, is in a vehicular or other type of accident resulting in personal injury or property damage, or both, in which the cause of the accident could reasonably be believed to have been the result, in whole or in part, from the use of drugs or alcohol on the part of the employee.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
Mandatory Employee Drug and Alcohol Testing	Human Resources	Page 3 of 6

	4. Motor Vehicle Operator Testing - Any District government employee who operates a motor vehicle in the performance of his or her employment within the District of Columbia shall be deemed to have given his or her consent, subject to the conditions in this title, to the testing to the employee's urine or breath for the purpose of determining drug or alcohol content whenever a supervisor has probable cause or a police officer arrests such person for a violation of the law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's breath contains .08 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof, or while that person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor. 5. Random Testing - Drug or alcohol testing conducted on a CFSA employee in a safety-sensitive position, at an unspecified time, for purposes of determining whether the employee has used drugs or alcohol and, as a result, is unable to satisfactorily perform his/her employment duties. 6. Post-Treatment Testing – Testing required before an employee who engaged in conduct prohibited by this policy and is returning to his or her previously held position after an opportunity to seek treatment.	
	Procedure D: Testing Procedures 1. Prior to testing, a physician shall meet with the employee to be tested and ask what medications he/she is currently (or recently has been) taking, in an effort to rule out any false positives in the drug screening results. 2. Testing for alcohol use shall be conducted using an evidentiary breath-testing (EBT) device. An EBT test will be deemed positive if the contractor determines that one (1) milliliter of the employee's breath (consisting of substantially alveolar air) contains 0.38 micrograms or more of alcohol. 3. Testing for illegal drug use shall be conducted by collecting a urine sample from the employee being tested. EMIT method and GC/MS (for confirmation of positive test results) will be used. 4. Each employee is required to submit to testing on his or her scheduled test date/time/place. 5. Employees may be subject to additional requirements for drug and alcohol testing where applicable. 6. Each CFSA employee shall complete the required drug and alcohol testing forms whenever his or her work assignment changes from a non-safety sensitive position to a safety sensitive position (see attachment C).	
POLICY NUMBER/TITLE Mandatory Employee Drug and Alcohol Testing	CHAPTER NUMBER/TITLE Human Resources	PAGE NUMBER Page 4 of 6

	7. If a supervisor has a reasonable belief that an employee is under the influence of alcohol or illegal substances to the extent that the employee's ability to perform his/her job is impaired, the supervisor may make a reasonable suspicion referral of the employee for testing. 8. Supervisors shall be trained in substance abuse recognition and must receive a second opinion from the program manager or administrator prior to making a reasonable suspicion referral. 9. Testing shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services (HHS). Any positive EMIT test shall then be confirmed by the contractor, using the GC/MS methodology. 10. The contractor shall collect urine specimens at a designated location, split each sample and perform the EMIT testing method on one (1) sample and store the split of that sample. 11. Employees will be notified of the confirmed test result within five (5) business days. 12. Any employee found to have a confirmed positive test result may authorize that the stored sample be sent to another HHS certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GC/MS testing method. 13. Any employee who is required to be tested due to reasonable suspicion or a post accident/incident will be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyzer test. 14. Medical attention shall not be delayed for the purpose of testing following an accident or incident.
	Procedure E: Penalties 1. The Agency Director has the authority to propose disciplinary action for the Mandatory Drug and Alcohol Testing Program. 2. In the case of applicants, violation of this policy, refusal to complete required drug/alcohol testing forms or to take the drug test, or a confirmed positive test result shall preclude the applicant from further employment consideration for a one year period. 3. An employee's refusal to submit to urine or breathalyzer testing, willful tampering with test specimens, any attempt to circumvent the testing process, or positive drug test or breathalyzer test constitutes a violation of this policy, and shall result in termination of employment.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
Mandatory Employee Drug and Alcohol Testing	Human Resources	Page 5 of 6

	4. An employee shall remain in their duty status unless a positive confirmation report is received from the laboratory and the Medical Review Officer (MRO). An employee who has a confirmed positive test result shall be placed on administrative leave immediately, pending the results of an independent confirmation test 5. In the case of a confirmed positive drug test, the employee will be informed of his/her right to have his/her specimen tested by an independent laboratory at his/her expense. The employee shall also be notified that the request for an independent confirmation test must be initiated within three (3) business days in accordance with guidelines set forth in this policy. If the employee requests an independent test, all proceedings will be held in abeyance until the MRO receives the results of the independent test.
	Procedure F: Confidentiality Files, records, and drug testing data shall be maintained in accordance with D.C. Official Code §§ 1-620.35(c) and 1-631.01 <i>et seq.</i> (2001 and Supp. 2006), and Chapter 31 of the D.C. Personnel Regulations.
	Procedure G: Employee Assistance Program (EAP) 1. The EAP will continue to offer confidential intake, counseling, and referral to community resources, crisis intervention, drug and alcohol abuse treatment referrals, and follow-up. 2. EAP services are available through self-referral by the employee and referrals by supervisors and the Office of Human Resources. 3. EAP services shall continue to be provided confidentially for all employees; however each employee who participates in the EAP is still subject to testing.
	Procedure H: Training The implementation of the education and awareness portion of this policy will begin with mandatory training for Supervisors, Program Managers, Deputy Directors and Administrators on policy issues, Mandatory Drug and Alcohol Testing Procedures, and substance abuse recognition.

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Attachment A DEFINITIONS

The following definitions apply in this policy:

Alcohol Use— The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol which is the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol/Drug Test -A procedure to determine alcohol concentrations, or if urine specimens contain prohibited drugs or the metabolites of drugs.

CFSA employee – A person employed in a position by the CFSA who receives compensation for services.

Confirmation drug Test – A second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Enzyme - Multiplied -Immunoassay Technique (EMIT) -The initial method used to test for drugs in urine samples.

Gas Chromatography/Mass Spectrometry (GC/MS) Testing Method – The methodology used for all confirmation drug tests.

Illegal Drugs - An unlawful drug and does not include over-the-counter prescription medications.

Independent Confirmation Test – A third confirmation test that is requested by an employee when the employee's second testing (against the result of the first sampling of drug testing) requested by the agency is confirmed positive. The test is conducted by an independent laboratory using the GC/MS methodology. The laboratory is selected and retained by the employee.

Medical Review Officer (MRO) –A licensed physician, responsible for receiving, reviewing, and evaluating test results obtained under the Mandatory Employee Drug and Alcohol Testing program.

Probable Cause or Reasonable Suspicion Referral – A reasonable belief by a supervisor that an employee in a safety-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

Qualified Candidate – An individual who has filed a written application with the CFSA for a safety-sensitive position, meets established qualification requirements including any selective placement factors, and has been selected for a position.

Safety-Sensitive Position – A position in which the employee has direct contact with children or youth is entrusted with the direct care or custody of children or youth, and whose performance of his or her duties may affect the health, welfare, or safety of children or youth.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Employee Notice and Acknowledgement of Drug and Alcohol Testing Requirements

PART I: NOTIFICATION

This is to inform you that the Child and Family Services Agency conducts testing to identify current employees in safety-sensitive positions and job applicants who may be abusing drugs or alcohol, in accordance with D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353, D.C. Official Code § 1-620.31 *et seq.*) (Supp. 2006).

A copy of the Agency's policy on this matter is attached to this notice. You have the right to refuse to undergo testing. However, the consequences for refusing to undergo testing, or a refusal to cooperate in testing, will result in the termination of an employee or an applicant's pre-employment selection process, as applicable.

An applicant who fails either the drug or alcohol test will not be hired; an employee who fails either of these tests will be terminated.

Remaining drug- or alcohol-free and participation in the drug and alcohol testing program is a condition of continued employment with the Agency.

PART II: ACKNOWLEDGEMENT

I acknowledge receipt and understanding of the above written notice and attached policy, and agree to abide by the terms of the Agency's policy pertaining to drugs and alcohol.

Printed Name

Signature and Date

Printed Name of Human Representative

Signature and Date

Cc: File

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Drug and Alcohol Testing for Employees in Safety Sensitive Position (DA Form 1)

The D.C. Child and Family Services Agency (CFSA) and LabCorp have arranged for drug and alcohol testing of employees who are in or are being considered for safety-sensitive positions, and applicants, in accordance with D.C. Law 15-353, The Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353, D.C. Official Code § 1-620.31 et seq.) (Supp. 2006).

Prospective Applicant or Employee:

You are required to submit to the following testing:

_____ Breath Alcohol _____ Occupational Urine Drug Screen Collection

You must present this form, with government issued picture identification (drivers license, DC government work ID), to LabCorp for their signature. You must return a copy of the signed form to the CFSA Human Resources Department.

LabCorp hours of operation vary by location, so you are encouraged to contact the LabCorp facility of your choice to learn that facility's occupational drug screen collection hours.

Patient Services Center:

The individual listed below is an employee or an applicant who is being considered for a position with CFSA. A LabCorp representative must sign and retain this original form, and provide a signed copy to the individual to be returned to CFSA. LabCorp must forward test results to CFSA at the address below.

Applicant's Full Name: _____

Signature: _____

District Agency Name: Child and Family Services Agency

Contact: Deborah Wilson
Human Resources Manager

Address & Phone: 955 L'Enfant Plaza, SW
Suite 5200
Washington, D.C. 20024
202-724-7373

LabCorp Staff Signature

Date

Printed Name

400 Sixth Street, SW ♦ Washington, DC 20024
Web: www.cfsa.dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Drug and Alcohol Testing Instructions

The D.C. Child and Family Services Agency (CFSA) and LabCorp have arranged for drug and alcohol testing of employees who are in or are being considered for safety-sensitive positions, and applicants, in accordance with D.C. Law 15-353, The Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353, D.C. Official Code § 1-620.31 et seq.) (Supp. 2006).

You are required to submit to the following testing:

_____Breath Alcohol _____Occupational Urine Drug Screen Collection

1. Report to a LabCorp testing site for drug/alcohol testing within 24 hours of notification. You will be given 2 hours administrative leave for testing purposes. Time beyond 2 hours shall be charged to your leave (or LWOP if you have no leave).
2. Visit http://www.labcorp.com/psc/body_frame.html to find a testing site convenient to you. You must select either "Occupational Urine Drug Screen Collections" or "Breath Alcohol" to locate an appropriate testing site.
3. Upon notification, visit the CFSA Human Resources Department (HR), 955 L'Enfant Plaza, SW., 5th Floor, to pick up forms for testing (DA Form 1 and Chain of Custody Form). You must report to HR before 4:45 p.m.
4. **Do not complete any portion of the DA Form 1 or the Chain of Custody form prior to visiting LabCorp. LabCorp will not accept forms that have been completed or signed prior to your visit. Do not mark your forms without a LabCorp representative present.**
5. Return the completed DA Form 1, which has been signed by you and a LabCorp representative, to the HR Department within 48 hours of notification.

Employee Acknowledgement of Receipt

I have received a copy of these instructions, the DA Form 1 and the Chain of Custody Letter.

Signature

Printed Name

Date of Receipt

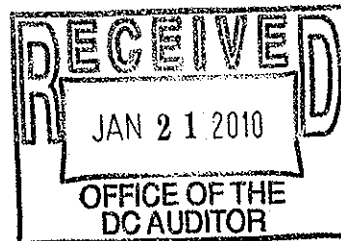
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS



Office of the Director

January 20, 2010

Deborah K. Nichols, District of Columbia Auditor
Office of the District of Columbia Auditor
717 14th Street, NW, Suite 900
Washington, DC 20005

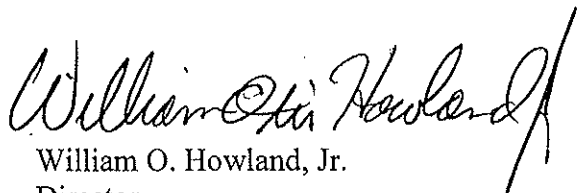


Dear Ms. Nichols:

Thank you for your examination of vehicle fleet operations in the District of Columbia and for the opportunity to comment on your Draft Audit Report on this topic. The Draft Audit Report highlights an important issue -- which responsibilities should be handled by the agencies to whom vehicles in the government's fleet have been assigned, and which should be handled by the Department of Public Works (DPW) or the Office of Risk Management (ORM). Over the past year, ORM, the Office of the Attorney General, DPW, and the Mayor's Office have been working on a revised Vehicle Operator's Accountability Policy. This effort has been directed at identifying who is responsible for important aspects of our fleet operations, including maintaining vehicle lists, identifying authorized drivers, and conducting driver's license checks. This effort culminated in the issuance of Mayor's Order 2009-160 on September 23, 2009 (Copy Attached). I understand that this Order was not available while you prepared your audit. I believe that it addresses many of your concerns and that you share my expectation that as agencies implement this Mayor's order we will see an improvement in fleet operations. While I am not in complete agreement with all of the recommendations set out in the Draft Audit Report, I believe that DPW has been working to achieve the same goals that are highlighted in the Draft Audit Report: to operate our vehicle fleet with greater safety and efficiency. Specific comments on the findings in the Draft Audit Report are attached.

Please feel free to contact Michael A. Carter, DPW Deputy Director, at (202) 671-2007. You may also contact Michael Biggs, Administrator, DPW – Fleet Management Administration, at (202) 576-6799 or Yvette Judge, Management Analyst, DPW – Office of the Director, at (202) 671-1403.

Sincerely,



William O. Howland, Jr.
Director

Enclosures

Department of Public Works
Response to the December 18, 2009 Draft Audit Report for the "Audit of the Fleet Management
Administration of the Department of Public Works" by the District of Columbia Auditor

FINDING #1: DPW failed to establish a management program for all phases of motor equipment management from initial procurement to vehicle disposal.

The report states that DPW failed to provide other agencies with comprehensive, uniform fleet management policies and procedures and that DPW did not have city-wide written policies for addressing various vehicle operation related issues including payment of parking infractions, improper use of vehicles, fleet refueling, inspection, criteria to be met in order to operate District vehicles (including driver's license verification), and whether vehicles may be brought home.

DPW is pleased to report that these concerns have largely been or are being addressed. Since 2003, DPW has provided fleet management policies and procedures set out in the District of Columbia's city-wide fleet policies and procedures manual and in 2003 each agency Vehicle Coordinator was provided with a printed copy of the fleet manual. In addition, employees can read (and print out) the District of Columbia City-wide fleet policies and procedures manual at DPW's intra-net website (the manual is included with the Fleet Management Administration information). After review of the Draft Audit Report, DPW has decided to revise and reformat the fleet manual to make it more user friendly for our customers. Once the revised fleet manual has been completed, each executive agency head and fleet coordinator will be provided a copy, and it will also be available through our website.

In addition, the matter of whether an employee may take a vehicle home is already addressed by statute, obviating the need for a separate policy. See DC Official Code § 50-204, which identifies those employees who may take a government vehicle home.ⁱ Accordingly, there is no need for an additional policy on this matter. However, the revised manual will include a copy of the law so that there is no question as to which employees are authorized to take vehicles home.

Finally, Mayor's Order 2009-160 and its predecessor (Mayor's Order 2001-85) directs individual agencies to develop policies for managing the use of government vehicles, including payment of parking infractions, proper use of vehicles, and driver qualifications (including license checks) and directs ORM to review and approve those policies. While this Order makes clear that it is not DPW's responsibility to develop these policies, DPW's expertise in this area will be communicated through the revised fleet manual and staff will be available to provide guidance.

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FINDING #2: DPW's data regarding vehicle inventory, fuel charges, and employees authorized to drive vehicles owned or leased by the District of Columbia Government was inconsistent.

A statement from the report alleges that DPW provided the requested list of vehicles, however, according to DPW the department did not maintain a list of employees from other Agencies who are authorized to operate vehicles owned or leased by the District of Columbia.

In this instance, DPW has merely used a different method to maintain the requested data. Procedure 3-0 of the Fleet Vehicular Policy and Procedure document provides that each Agency Head shall designate a Fleet Certifying Officer (FCO). The FCO is responsible for maintaining a list of all authorized drivers for the agency; ensuring that each driver is properly licensed to operate the appropriate class of vehicle; to maintain a file on each vehicle assigned to the department; and to ensure that drivers satisfy all tickets that are not dismissed through the adjudication process. DPW believes that each agency is in the best position to maintain records of authorized drivers and to maintain driving records of all vehicles. This position, that the agency is responsible for this information, was part of Mayor's Order 2001-85 and is reiterated in the new Mayor's Order 2009-160 effective September 23, 2009. A copy of Mayor's Order 2001-85 was provided and cited in previous responses to audit questions.

Also under this finding the report alleges that "while DPW listed the annual fleet inventory as a tool that was used to monitor agencies, the last mandated annual fleet inventory occurred in 2005".

The audit is erroneously referring to a congressional report, the District of Columbia Appropriations Act, 2004, Section 418 (b)ⁱⁱ, which is not an annual requirement or mandate. DPW conducts an inventory of the entire fleet on an annual basis with the last inventory being completed in 2009. Each January DPW requests that all agencies provide information to update the Vehicle Inventory Database. DPW relies on each agency to provide information and then uses the information provided to update the database. In 2010, DPW will conduct its annual vehicle inventory audit of the fleet to ensure that each vehicle is assigned to the correct agency. We are also revamping our inventory process to include analysis and reporting features.

The audit report alleges that "DPW listed 764 school buses as assigned to DCPS, not OSSE. As a result DPW erroneously charged DCPS for school bus fuel. Until this audit, neither DCPS nor DPW was aware of the fuel billing error".

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It must be noted that the school buses assigned to DCPS were assigned to that agency based upon information provided by DCPS. In turn, DPW charged DCPS for fuel based on the information provided by DCPS. When the Office of the State Superintendent of Education (OSSE) took over responsibility for school buses, neither that agency nor DCPS notified DPW of the need to change ownership of the vehicles. As indicated above, every January each agency is required to complete an Equipment Data Entry Form as part of the updating of the vehicle inventory data base. DCPS did not indicate that the school buses had been removed from their fleet and OSSE never completed forms to transfer the buses to their fleet. Even after being made aware of the issue, DCPS has still not completed the necessary forms to transfer the vehicles to OSSE. This issue will be rectified during the 2010 fleet inventory process.

FINDING #3: DPW did not have an effective driver safety program that included regular reviews of driver qualifications and driver training classes.

DPW has a driver safety program that includes classes and counseling for its employees. In addition, the ORM took over the How Am I Driving (HAID) Program and the responsibility for developing policies related to safe vehicle operation. The Draft Audit Report mentioned several examples of things that could be done to improve driver safety while at the same time noting that driver safety education is a function of the ORM. DPW is willing to work with the ORM to further develop programs that will help to improve safe operation of District owned and leased vehicles.

The report further indicated that DPW did not maintain a list of employees, from the five agencies that were reviewed, who were authorized to operate vehicles owned or leased by the District of Columbia. Pursuant to the current fleet manual Policy 3-0, the agency fleet coordinator is responsible for maintaining a list of current eligible drivers. In addition, the agency fleet coordinator is responsible for ensuring that the driver has the appropriate qualifications for operating vehicles. Mayor's Order 2009-160 now provides that each agency shall develop a policy to identify drivers, ensure that drivers are properly licensed and properly trained on the use of assigned vehicles. In addition, each agency is required to provide the ORM information on each authorized driver, including the driver's license number. The ORM is then responsible for sending the information to the Metropolitan Police Department (MPD) and the Department of Motor Vehicles for verification of operating privileges.

While the Draft Audit Report makes note that DPW does not have a written city-wide policy that prevented employees from driving if convicted of Driving While Intoxicated (DWI), Driving Under the Influence (DUI), or hit-and-run convictions or felony

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convictions involving a vehicle, Mayor's Order 2009-160 provides that if a employee has a change in license status, the employee must notify the agency fleet coordinator immediately. If the driver no longer has a license to operate a motor vehicle, the fleet coordinator shall immediately revoke the employee's authority to operate a District owned or leased vehicle. With respect to employees that have previous convictions on their driver's record but have a current license, DPW will work with the ORM and the Executive Office of the Mayor to develop a policy to determine if these employees will be prevented from operating a government vehicle.

The audit asserts that DPW could have significantly improved driver safety by reviewing ORM automobile damage claims and HAID calls to identify problem drivers and fleet procedural or driver training issues. However, because the HAID Program is the responsibility of the ORM and that office is responsible for notifying agencies of complaints regarding employee driving, implementation of this recommendation is outside of DPW's scope. Moreover, while we do not dispute that reviewing claims might yield useful data, we note that the Draft Audit Report does not cite any authority for its claim that driver safety would have "significantly improved" if such reviews had been conducted.

In the Draft Audit Report, DPW was cited for failing to implement a program to conduct random drug tests on employees with non-commercial driver's licenses who drove vehicles owned or leased by the District of Columbia. This proposal raises serious Constitutional questions. Compelled urine tests are searches for the purposes of the Fourth Amendment's prohibition on "unreasonable searches and seizures". See Skinner v. Ry. Labor Executives Ass'n, 489 U.S. 602, 617, 109 S. Ct. 1402, 103 L. Ed. 2d 639 (1989). Random drug tests run into two problems under the 4th amendment- there is no probable cause and there is no warrant. While there is a "special needs" exception that the Courts have read into the 4th Amendment under which the government can conduct random drug testing under special circumstances. Under this framework, a warrantless search may be legal if it serves "special needs, beyond the normal need for law enforcement," Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 653, 115 S. Ct. 2386, 132 L. Ed. 2d 564 (1995) (internal quotation marks omitted), if, upon conducting a balancing test, the government's interest in conducting the search outweighs the individual's privacy interest, *id.* at 652-53. Using this approach, the courts have upheld random drug testing programs for certain employees, e.g., CDL drivers and those who hold safety sensitive jobs. However, we are not aware of any case law extending this principle to all vehicle drivers. DPW's General Counsel has asked the Attorney General's Office of Legal Counsel for its views on this matter and we will forward them to you.

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But even if the proposal does pass legal review, if implemented as suggested for the approximately 3,000 people currently authorized to drive government vehicles for the District Government, the cost would be substantial.

FINDING #4: DPW lacked proper internal controls for management of fuel cards.

The audit noted that invoices for fuel card purchases made with a PIN or driver number do not identify the vehicle that was refueled. The lack of vehicle identification presents a serious internal control issue. Voyager fuel cards are available with a vehicle identification feature. Only 6 of the 14 District of Columbia agencies use Voyager fuel cards with vehicle identification. The audit further indicated that DPW did not have written policies and procedures that governed the use of Voyager cards. In order to address the Voyager fuel card issues, DPW will issue fuel cards that include the vehicle identification feature in the future to ensure that the assigned vehicle is being fueled. In addition, DPW will establish and monitor the implementation of policies and procedures for the use of fuel cards. The new policy will be contained in the revised fleet manual.

The Draft Audit Report suggested that DPW should review mileage and fuel data to ensure that vehicles owned or leased by the District of Columbia are used within the scope of employment. However, monitoring mileage and vehicle usage is an agency function. DPW cannot monitor how employees in other agencies are spending their time or how they are using vehicles. Drivers document their travel information (e.g., purpose of trip) on the Vehicle Equipment Operational Record form (Form 1001) that is maintained by the individual agencies, and agency fleet officials are to monitor and assess vehicle mileage and purpose of trip to determine if a vehicle is used within the scope of employment. To assist agencies in performing this function, DPW provides each agency with a monthly fuel report to determine if assigned vehicles are within the equipment utilization parameters. Moreover, Mayor's Order 2001-85, which was in effect at the time of the audit, mandated individual agency heads to develop systems to govern operation of vehicles while on authorized government business by recording mileage. Mayor's Order 2009-160, at section V-A also makes clear that individual agency heads are responsible for ensuring that vehicles are used for government business.

FINDING #5: *DPW lacked proper internal controls to prevent 15 vehicles not listed in the DPW vehicle inventory from receiving fuel totaling \$27,395.*

The Auditor compared the DPW list of vehicles with DPW fuel reports and found that 15 vehicles not included in the DPW list of vehicles, received fuel totaling \$27, 295. Since DPW controlled access to DPW fuel pumps through fuel cards and fuel keys, the report

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notes that DPW could have established controls that prevented vehicles that were not listed on DPW vehicle inventory from receiving fuel.

While vehicles not listed in the fleet should not have received fuel, there is no indication that the fuel costs were not recovered. Upon completion of a vehicle inventory of the entire fleet, DPW will be able to ensure that vehicles that are not listed will not receive fuel.

FINDING #6: *DPW did not have an effective plan for collecting \$71,690 in unpaid traffic infractions.*

Table I excerpted from page 6 of the Draft Audit Report:

Table I
Unpaid Traffic Infractions

UNPAID INFRACTIONS <i>Since 2002</i>	DPW	AGENCY	ACS	ACS TOTAL AMOUNT
DCPS	No Data	14	394	\$42,155
DCRA	3	31	38	\$ 4,000
CFSA	1	6	246	\$24,990
DOH	3	224	No Data*	No Data
DOES	No Data	1	7	\$ 545
TOTAL	7	276	685	\$71,690

**ACS did not collect data for DOH*

Before turning to the specific operational concerns raised by this statement, I would like to address the underlying data and assumptions. Table I in the Draft Audit Report (and also shown above) presents unpaid traffic infractions, allegedly since 2002, and allegedly as reported by DPW, ACS and the five reviewed agencies. The Table shows tickets

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incurred by various agencies as reported by DPW, by the respective agencies, and by ACS (the contractor who performs many ticket processing functions for the District). On first reading, the fact that the number of tickets reported by DPW is substantially lower than the number reported by ACS might suggest that DPW's records are incomplete. This is not the case. Instead, the number of tickets reported by DPW covers a shorter period, fiscal year (FY) 2008 through FY 2009, October 1, 2008 to June 1, 2009, (the original scope of the audit) while the number reported by ACS covers the period beginning in 2002. In addition, over half of the tickets issued were for vehicles that are not part of DPW's fleet – vehicles used by DCPS—and others were issued to vehicles that CFSA acquired and operated. The unpaid tickets for DCPS, as reported by ACS, amount to \$42,155 for a time period dating back to 2002. Prior to FY 2008, DCPS was an independent agency and was treated as such during the majority of the period when the \$42,155 in tickets was incurred. The \$24,990 in unpaid tickets for CFSA, as reported by ACS, is also very likely associated with vehicles leased by CFSA and not managed by DPW. The vendor, as the owner of the leased vehicle would receive notice of the outstanding parking fines, not DPW. The Draft Audit Report also reports that DPW was unable to provide information about vehicles assigned to DOES. We have not yet identified why this was the case, but will take steps to ensure that DPW maintains required information for all of the vehicles in its fleet.

But having noted all of this, DPW agrees that government employees who operate government vehicles should be required to pay parking fines like other vehicle operators. To this end, DPW has provided agencies with reports of the tickets issued to vehicles assigned to the agencies (while it may be, as the Draft Audit Report states, that the number of outstanding tickets reported by various agencies was inconsistent with data from DPW, every agency has had access to the ACS data). DPW has already begun to take steps to ensure agency vehicle coordinators are promptly made aware of vehicles with outstanding tickets so they can determine the driver and have the driver pay the ticket. DPW's director and other staff have impressed upon agency heads and agency fleet coordinators that the fines must be paid. In addition Mayor's Order 2009-160 clearly assigns the responsibility for establishing a system of holding drivers accountable for infractions to the respective agencies. Moreover, that Mayor's Order directs each agency to require individuals who drive vehicles on government business to sign a Vehicle Operator's Acknowledgement form in which the employee commits to pay any tickets incurred (unless the tickets are dismissed). In efforts to support agencies' efforts to collect outstanding parking fines, DPW will assist all agencies in setting up a monitoring system for payment of outstanding parking fines.

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ⁱ It states: (a) Except as otherwise provided in this section, no officer or employee of the District may be provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this subsection, the term "official duties" shall not include travel between the officer's or employee's residence and workplace; except in the case of (1) an officer or employee of the Metropolitan Police Department who resides in the District or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the D.C. Fire and Emergency Medical Services Department who resides in the District and is on call 24 hours a day; (3) the Mayor; and (4) the Chairman of the Council.

ⁱⁱ It states: (b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2004, an inventory, as of September 30, 2003, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.