



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

CESWL-LO (735-5r)

4 December 2002

DISTRICT COMMANDER'S POLICY MEMORANDUM No. 03-01

SUBJECT: Policy on Government Vehicle Responsibility and Liability

1. I would like to take this opportunity to reiterate our responsibilities both to operate our vehicles safely and provide a measure of predictability to liability concerns.
2. As Federal employees we each have a responsibility to care for and maintain public property as we would our own. Operating a motor vehicle represents one of our greatest areas of property responsibility. Our individual responsibility related to motor vehicle accidents is an area of particular concern to me because keeping employees safe is one of my highest priorities.
3. At one time or another throughout our careers, most of us have assumed the role of property steward in regard to motor vehicles. We accept the role of property steward when we are dispatched a vehicle and take keys in hand. We also assume a "duty of reasonable care". The duty of reasonable care requires us to diligently maintain, safely operate, and responsibly return the motor vehicle when our mission is complete. I expect each Little Rock District employee to seriously and responsibly exercise a duty of reasonable care.
4. After reviewing the results of Reports of Survey concerning vehicle accidents, I believe we must reemphasize our standard of accountability and clarify our duty of reasonable care. This includes the fair and consistent application of any consequential action. The schedule of consequences (enclosure 1) and flow diagram (enclosure 2) are intended to explain the process of accountability when a motor vehicle accident occurs. This information is intended to promote an environment of enhanced awareness and preventative learning-not one of punishment and anxiety associated with having an accident.
5. This policy is intended as a clarification for vehicle damage that occurs as a result of simple negligence (possible mistakes of judgment or inattention). As is our current practice, accidents that occur as the result of serious traffic offenses-e.g. offenses related to excessive speed or operating a vehicle under the influence of alcohol or drugs-will continue to be considered under the Department of the Army's Table of Penalties for willful misconduct.

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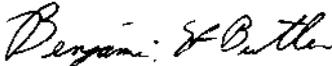
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6. My intent is to help create and sustain a higher level of awareness in preventing motor vehicle accidents by promoting property stewardship and by introducing prudent deterrent measures. As we work together to prevent motor vehicle accidents, I am confident that each of you will continue to do your part to maintain a safe working environment and to meet our obligations for property responsibility and stewardship.

2 Encls

1. Statement of Consequences
2. Report of survey flowchart


BENJAMIN H. BUTLER
Colonel, EN
Commanding

SCHEDULE OF CONSEQUENCES WHEN FOUND LIABLE FOR MOTOR VEHICLE DAMAGE DUE TO SIMPLE NEGLIGENCE

1. **Background.** When a motor vehicle accident occurs, a Report of Survey will be made. The Approving Authority will review the recommendations from the Report of Survey. The Approving Authority will decide upon appropriate action, which may include assessment of financial liability and/or training.

2. **Schedule of Consequences.** If found liable for motor vehicle damage due to simple negligence, an employee may be held responsible in any or all of the following:

a. **Training.** If recommended, an employee may be required to attend Defensive Driving, Driver Education, or other appropriate training courses.

b. **Administrative Action/Discipline.** If recommended, discipline may be taken. Typically discipline would be in the form of a warning, but could entail a formal letter of reprimand depending on circumstances. As a result of the severity of the accident and particular circumstances involved, including the number of accidents in which the individual has been found negligent, more serious discipline may be recommended. An individual may lose the privilege of operating a Government vehicle for a period of time. The consequences of losing that privilege may impact the individual's ability to perform their job. In extreme cases, suspension or removal from Federal service may be recommended as set forth in the Department of the Army's Table of Penalties for Various Offenses.

c. **Financial Liability.** If assessed, financial liability (cost recovery) will be determined by the following table:

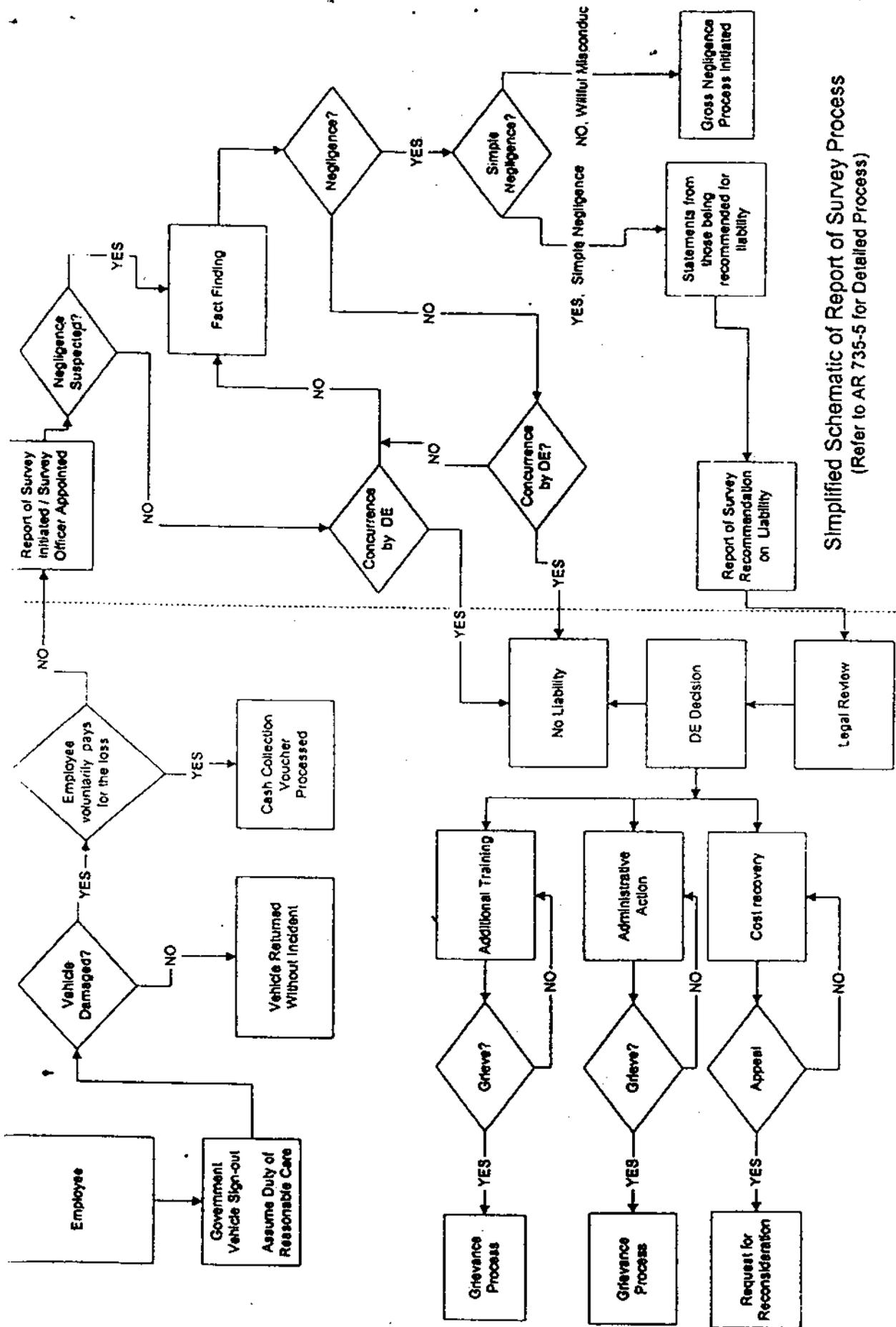
First Incident: Twenty Five percent (25%) of costs of the vehicle damage or \$250, whichever is less.

Second Incident: If occurring within 3 years of the first incident, 50% of the costs of the vehicle damage or \$500, whichever is less, or,

If occurring beyond 3 years of the first accident, the incident will be treated as a "first incident" for cost recovery purposes.

Third Incident: 100% of the costs of the vehicle damage or the equivalent of one month's base pay, whichever is less.

3. **Right to File a Formal Grievance.** Those employees who believe they have not been treated fairly have the right to request reconsideration. The grievance process will be set forth in documentation to the employee that prescribes the levied consequential action (training, administrative action, and/or financial liability).



Simplified Schematic of Report of Survey Process (Refer to AR 735-5 for Detailed Process)

Process for Vehicle Accountability