



## Administrative Regulation (AR) 75.12 by the City of San Diego

### Overview

The City of San Diego, a regulation which covers the usage of city's vehicles and equipment whether the employee is on-work or off-work time. The regulation applies to all employees who drive, operate or ride in or on any city vehicle or industrial equipment that the City of San Diego owns, leases, rents, or borrows. Also, it includes any Personal Owned Vehicle (POV) used to conduct city work business. However, if off work, POV normally used for City business is not covered by this regulation.

### Process

If a city employee while using a city vehicle and equipment owned, rented, leased, or borrowed on-work, including a POV or off-work time, excluding a POV, then must follow the following steps:

**Step 1** When you and all involved in the incident are safe, then access the CD-361(Incident Report Envelope) located inside your vehicle

**Step 2** Remove the following the CD-361:

- ✓ **Employee:** *Vehicle/Industrial Incident Damage Report CD-1551*
- ✓ **Supervisor:** *Vehicle/Industrial Incident Investigation Report CD-1555*
- ✓ **Employer Notification:** *CD-1666 (Refer to A.R.75.50)*
- ✓ **When appropriate:** *POV instructions*

**Step 3** Call Station 38 at **(619) 527-7660**, which record and forwarded recording for a screener within your department to review if the incident was avoidable and assign a category (*i.e., 1 A, 1 B, 2, 3 or 4*).

**Step 4** Call either your Department Supervisor or your Supervisor on Duty

**Step 5** If there is any injury then vehicle must be kept on scene until San Diego Police comes out to site, evaluates and instructs you and the vehicle can be moved

**Step 6** For your protection, AFSCME Local 127 recommends, you should safely take your own photos around and of the incident and then record your own timeline of the incident, before any further actions, while still new in your own mind.

**Step 7** Complete CD-1551 (*Employee Vehicle/Industrial Incident Damage Report*), which AFSCME Local 127 recommends, to call the union office at (619) 640-4939, and then work with a union representative to help you complete the form, before submitting it.



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- Step 8** Supervisor will complete CD-1555 for the San Diego Police, which we incorporate your completed CD-1551. San Diego Police will issue their own report of the incident within 48-hours to the City's screener of your incident.
- Step 9** Screener will complete their report and submit their recommendation if avoidable and category to your department head.
- Step 10** Department head will review the screener's report and make their evaluation on avoidable and category.

**Option A) Ruled unavoidable**, then no further action taken and you will notified of the closure of the incident.

**Option B) Ruled avoidable**, then you will be notified in writing of the disciplinary action.

- Step 11** **If avoidable**, then you will be required to sign disciplinary action and select:

**Option A) Accept**, then discipline will be implemented, and the notice will be filed into your Personnel File for up to 4 years from the date of the incident.

**Option B) Appeal**, if you appeal, then immediately contact AFSCME Local 127 (619) 640-4939 to report the discipline and appeal and you will be assigned a union representative. You will get a five-day notice period to contact the union for representation. The union will not be notified about an AR 75.12 discipline action.

- Step 12** **If you appeal**, then you will be assigned to an Administrative Review Committee (ARC) to testify before about incident. A union leader will sit as only an observer on the ARC. **They will not be able to vote on judgement.** If you select to be represented by the union representative, then your assigned union representative, not the union leader sitting on the ARC, will join you in your testimony.
- Step 13** The ARC will vote after your testimony on their own decision, which will be forwarded to your department head or their designee to review and evaluate. The department head or their designee can accept or overrule the ARC decision.
- Step 14** A final ruling will be issued to you on if avoidable and if so, then discipline action. This decision is final and cannot be appealed any further or grieved by the union.

The entire process must be completed within 125 days of the incident. It is important to monitor the timeline and report it to your union representative, if close to the 125-day deadline.

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**Frequently Asked Questions**

**Question** What should I say when I call into Station 38?

**Answer** Remember the line is recording everything and anything you state and will be used in determining the decision of your incidents. Always be truthful but brief. Only report the basic required facts of incident as when it occurred, where it occurred and if there were any injuries, and the vehicle or equipment impacted information. You will be able to submit a more detailed written report, after you have time to reflect, and with the assistance of your union representative, if you request our help.

**Question** What should I do at the incident?

**Answer** Take photos of and around the incident, and then record your own notes with the timeline for your own possible usage.

**Question** What should I tell San Diego Police?

**Answer** Be clear, concise, and truthful answering only their specific questions. Remove any feelings or guesses from your reporting of the incident. Just be factual, as best you understand them at the time of the reporting of the incident.



**AFSCME Local  
127 Membership  
Application**



**San Diego  
MOU**



**AFSCME 127  
Website**



**AR 75.12**

**WEINGARTEN RIGHTS**

If this discussion could in any way lead to my being disciplined or terminated or affect my personnel working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Without representation present, I choose not to participate in this discussion.