

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA AMENDING THE TOWN OF WHITESTOWN EMPLOYEE MANUAL WITH RESPECT TO THE HANDLING AND ISSUANCE OF TOWN OWNED VEHICLES AS EMPLOYEE FRINGE BENEFITS

WHEREAS, the Town Council for the Town of Whitestown, Indiana (“Town”) is the legislative body of the Town that meets periodically to conduct Town business and to establish Town policy;

WHEREAS, the Whitestown Town Council (“Council”) adopted an updated Employee Manual (“Manual”) for the Town under Ordinance No. 2022-41; and

WHEREAS, the Council may from time to time amend the Manual; and

WHEREAS, the Council has determined that it is in the best interest of the Town to amend the Town’s Take-home Vehicle Policy as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, AS FOLLOWS:

Section 1: The above recitals are incorporated herein by reference.

Section 2: **Section 7 (Safety and Security)** of the Manual currently addresses the Town’s Take-home Vehicle Policy (“Take-home Vehicle Policy”).

Section 3. The Take-home Vehicle Policy shall be amended and replaced in its entirety as set forth on the attached Exhibit A, which is fully incorporated herein (the “Amendment”). The Amendment shall hereafter be removed from Section 7 of the Manual and included in **Section 6: Employee Benefits: Take-home Vehicle & Policy**.

Section 4: This Amendment supersedes any inconsistent provision in the Manual as it relates to civilian employee take-home vehicles. All other portions of the Manual that relate to the operation and issuance of vehicles shall remain in full force and effect, and nothing in this Amendment shall replace or alter public safety (Police/Fire Department) general orders or regulations that may also address Town issued vehicles.

Section 5. The Town Council hereby directs the Town Manager to implement the Commuting Rule as the valuation method for the vehicles, so as to be in compliance with federal rules and regulations and to implement the method within thirty (30) days of adoption of this Ordinance.

Section 6. The Town Council hereby further directs the Town Manager to work with the Human Resources Department and/or the Clerk Treasurer to develop appropriate industry standard benefit forms as identified to be necessary by the Town Attorney and Town Accountant in order to implement this policy Amendment.

Section 7. The Town Council hereby directs all civilian employees currently issued a town owned vehicle, and any new hire receiving a vehicle after passage of this Amendment, to acknowledge receipt of the Amendment as adopted herein, in writing, within thirty (30) days of passage of this ordinance for current employees or at the date of hiring for all new hires, whichever is applicable. Failure to do so will forfeit the ability to receive a Town issued vehicle as an employee fringe benefit.

Section 8. This Amendment shall take effect from and after its passage by the Town Council.

(Signature Page to Follow)

PASSED by the Town Council of the Town of Whitestown, Indiana this ____ day of _____, 2025, by a vote of ____ in favor and ____ against.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

Dan Patterson, President

Eric Nichols, Vice President

Cheryl Hancock

Tobe Thomas

Courtenay Smock

ATTEST:

Matt Sumner, Clerk-Treasurer

EXHIBIT A

**TOWN OF WHITESTOWN, INDIANA
SECTION 6: TAKE-HOME VEHICLE & POLICY**

Revised Policy: May, 2025

I. Scope:

The scope of this policy is to establish rules pertaining to issuance and personal use of a town-owned vehicle. This policy applies to all Town employees with an assigned town vehicle.

II. Take-Home Vehicles:

(A) The following classifications of employees may be assigned a take-home vehicle:

- (1) Town Manager and Department Heads;

- (2) Assistant Department Heads/foremen who assist with after hours on call, at the discretion of the Department Head and Town Manager;

- (3) Any civilian employee who was assigned a take-home vehicle prior to April 1, 2025; and

- (4) Any sworn member of the Police and Fire Department as set forth in each respective Department's Rules and Regulations.

(B) Any employee assigned a take-home vehicle under this chapter is subject to Internal Revenue Service ("IRS") regulations and rulings regarding usage of said take-home vehicle. Under current law, the use of such vehicle for commuting is considered by the IRS to be a taxable fringe benefit unless such vehicle is determined to be exempt.

- (1) With respect to any take-home vehicle assigned to an employee in accordance with this chapter, a value for such vehicle must be established, with such value being reported to the IRS on an annual basis on each employee's W-2 Form.

- (2) Commuting Rule: The Town shall use the "Commuting Rule" as set forth in IRS Publication 15-B(2025), as amended, to determine the value of a vehicle it provides an employee as a fringe benefit for commuting use. This calculation is achieved by multiplying each one-way commute (from home to work or from work to home) by \$1.50. If more than one employee commutes in the

vehicle, this value applies to each employee. This amount must be included in the employee's wages or reimbursed by the employee. Unless the employee timely reports use of PTO (vacation or sick time) or other applicable non-usage of the vehicle to payroll for each applicable pay-period, thirty dollars (\$30.00) per pay period will be deducted from his/her wages.

(3) Each civilian employee shall work with the Town Manager, or his/her designee, to comply with all IRS reporting rules and guidelines, as shall be amended from time to time.

(4) This policy does not pertain to Town owned vehicles that are deemed to be qualified nonpersonal use vehicles under the IRS Rules/Treasury Guidelines.

(C) Except as otherwise provided herein, no employee will be permitted to use a take-home vehicle for conducting a private business or enterprise, or for personal use. However, it is recognized that a *de minimis* amount of personal use during a scheduled shift, as well as to and from work, is acceptable.

(D) Employees shall not transport any persons other than Town employees in a Town vehicle while working, except with written permission of the department head.

(E) The operation of a take-home vehicle for travel to and from work does not constitute work time. All employees operating take-home vehicles shall be deemed to be off of the clock until they arrive at a bona-fide work assignment.

(F) Any employee who has a take-home vehicle and is placed on light duty or suspension shall be prohibited from transporting their take-home vehicle to their residence during such light duty assignment or suspension. The applicable department head or the Town reserve the right to reassign take-home vehicles while an employee is suspended or assigned to light duty.

(G) Except in the case of emergency, employees shall park take-home vehicles legally and keep take-home vehicles secured. Employees shall not leave sensitive information or public documents (other than reference material) in their take-home vehicle while off duty.

(H) Any employee on vacation or PTO leave exceeding ten (10) days will park his or her take-home vehicle at a secure location on Town property.

(I) Take-home vehicle authorization may be revoked upon the occurrence of any of the following:

(1) Failure of an employee to comply with any provision of this policy, IRS regulations and guidelines, applicable rules set forth in the Employee Handbook, or the Town travel policy.

(2) A change in an employee's job duties or assignments such that a take-home vehicle is no longer required or justified in the sole and absolute discretion of the applicable department head, Town Manager, or the Town Council.

(3) An employee is involved in two (2) accidents in a Town vehicle within an eighteen (18) month period and is determined to be at fault for such accidents.

(4) An employee fails to maintain a valid driver's license.

(5) A leave of absence attributable to a worker's compensation claim or other medical care the terms of which prohibit operating a vehicle.

(6) An employee fails to properly care for, maintain and/or operate his or her take-home vehicle.

(J) The standard operating procedures of the Police Department and Fire Department shall take precedence over this take-home vehicle policy if any conflict exists between this policy and the Police/Fire Department General Orders.

III. Rules:

The following shall apply to all employees operating a Town-owned vehicle. As set forth above, any violation of these rules may result in immediate revocation of the town issued vehicle benefit:

a. Employees must be eighteen (18) years of age and have a valid Indiana driver's license to operate a Town-owned vehicle. Employees who operate Town vehicles are required to notify their department head in the event their driver's license is suspended or revoked.

b. Employees shall obey all traffic laws when driving issued vehicles.

c. No employee shall operate a Town vehicle while under the influence of intoxicating beverages, marijuana, prescription, or non-prescription drugs.

- d. Employees, when involved in an accident, shall notify the nearest law enforcement agency for proper investigation and shall also notify their respective department head and/or the Town Manager immediately thereafter. If the Town Manager is involved in an accident the Town Manager shall notify the Town Council President.
- e. Employees shall be responsible for the vehicle and all the equipment carried therein. Employees shall use due care to ensure the vehicle is kept locked or otherwise kept in a safe position as to avoid theft or vandalism.
- f. Only employees of the Town of Whitestown are authorized to operate issued vehicles. Non-employees shall not operate a Town issued vehicle, unless there is an emergency situation, such as serious illness and/or a medical emergency.
- g. This section applies to any employee issued a take-home vehicle after April 1, 2025: Issuance of a Town owned vehicle is a privilege of leadership and employment with the Town. A In order to be eligible to receive a take-home vehicle, the employee must reside within the following Indiana counties: Boone, Carroll, Clinton, Fountain, Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Parke, Putnam, Shelby, Tipton, and Tippecanoe. .
- h. If any employee who has been issued a Town owned vehicle changes their residency after April 1, 2025, the employee must notify the Town Manager, in writing, of the new address for verification that the new address falls within the established boundaries set forth in section (g) above. Failure to report a change in address may result in the employee losing the privilege of the take-home vehicle.
- i. Any Town employee convicted of any two or more moving traffic violations in the course of a calendar year may be prohibited from driving any Town vehicle at any time. Motor Vehicle Records (“MVRs”) may be requested at least once per year from the employee who is assigned a town vehicle. The Town Manager and/or the Town Council reserves the right to use discretion in requesting an MVR.

- j. If a Town vehicle is rendered undrivable for any reason, the cost to tow the vehicle back to the Town for any service or repair may be considered the responsibility of the employee and not the Town. If the employee would like the Town to consider reimbursement for any tow service incurred, the employee must submit the tow invoice to their immediate supervisor within thirty days from the date of the occurrence. Payment of such invoice shall be at the sole discretion of the employee's supervisor. Under no circumstance shall the Town pay such invoice if the employee is in violation of any provision of this policy.