

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: (414) 869-2214

Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of
this Oneida Chief in
cementing a friendship
between the six nations
and the colony of
Pennsylvania, a new
nation, the United States
was made possible.



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

BC Resolution # 09-09-98-A

Resolution Adopting Amended Vehicle Driver Certification Policy

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin, and

WHEREAS, the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the Oneida Tribe has an adopted Vehicle Driver Certification Policy that has been reviewed by the Human Resources Department for updating to meet the needs of today's Tribal structure and employment, and

WHEREAS, the Amended Vehicle Driver Certification Policy has been presented at Public Hearing and the comments from that hearing have been reviewed by the Legislative Operating Committee and the Human Resources Department, and

WHEREAS, the Amended Vehicle Driver Certification Policy has been presented in final format for adoption to the Legislative Operating Committee,

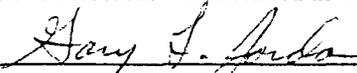
NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby adopts the Vehicle Driver Certification Policy, amended, for immediate implementation, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Human Resources Department is directed to identify which employees need to be informed of the new policy either by receipt of the policy or by notice of summarized information, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Human Resources Department is directed to continue its review of these and other policies to maintain up-to-date policies for the Oneida Tribe.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 5 members were present at a meeting duly called, noticed and held on the 9th day of September, 1998; that the foregoing resolution was duly adopted at such meeting by a vote of 3 members for; 0 members against, and 1 members not voting; and that said resolution has not be rescinded or amended in any way.



Gary Jordan, Tribal Vice-Chairman
Oneida Business Committee

GERALD L. HILL
CHIEF COUNSEL

JO A. SWAMP
DEPUTY CHIEF COUNSEL

ONEIDA LAW OFFICE
N7210 SEMINARY ROAD
P.O. BOX 209
ONEIDA, WISCONSIN 54155
(920) 869-4327 FAX (920) 869-4065

AURENE M. MARTIN
MICHAEL J. LOKENSGARD
JO ANNE HOUSE
KRIS M. GOODWILL
RORY E. DILWEG
JENNIFER L. CARLETON

STATEMENT OF EFFECT
Resolution Regarding Adoption of Amended Vehicle Certification Driver Policy

Summary

This resolution adopts an amended Vehicle Driver Certification Policy.

Analysis

This resolution proposes adoption of an amended Vehicle Driver Certification Policy (*Policy*). The amended Policy simplifies the directives in the Policy adopted by the Oneida Business Committee on October of 1992. The amended Policy clarifies the difference between Tribal Vehicle Certification and Personal Vehicle Certification. Some of the specific items not included in the new policy is a requirement for a Health Fitness Certification, a listing of vehicle classifications, and a detailed listing of motor vehicle violations.

A review of the Policy indicates that it clearly identifies the requirements needed by an employee to drive a Tribal or personal vehicle in work related activities. And, the Policy adequately identifies the potential processes that need to take place when an employee does not meet the minimum requirements to drive a Tribal or personal vehicle in work related activities. Specifically, it removes the need for disciplinary action and offers alternatives to maintain employment with the department.

This Policy has been presented at the necessary Public Hearings and been reviewed by the Legislative Operating Committee and the Human Resources Department.

Conclusion

There are no legal issues which would prohibit adoption of this resolution and implementation of the attached Policy.

**Vehicle Driver Certification Policy
Oneida Tribe of Indians of Wisconsin**

- Purpose:** The purpose of this policy is to minimize Tribal exposure to liability claims resulting from vehicle accidents.
- Scope:** Any person driving on Tribal business including employees, volunteers, and elected officials.
- Policy:** Drivers of Tribal, personal, or rental vehicles may be authorized to drive on Tribal business if they are 18 years of age and certification criteria contained in this policy are satisfied.
- Procedures:** Drivers must achieve certification to drive on tribal business by meeting the following requirements:

I. Minimum Certification Requirements

A. **Tribal Vehicle Certification**

1. Current Wisconsin Drivers License
2. Commercial Driver's License if required by Federal Law
3. License requirements listed in the employee's current job description.
4. None of the following driving violation convictions:
 - a. Single occurrence within the last three years:
 - (1) Attempting to elude officer
 - (2) Operating after license revocation
 - (3) Operating without valid driver's license
 - (4) Obstruction in regard to driver violation
 - (5) Reckless driving
 - (6) Violation of Occupational License
 - (7) Causing great bodily harm with vehicle
 - (8) Failure to stop after an accident
 - (9) Negligent homicide by use of motor vehicle
 - (10) Operating while license suspended
 - (11) Operating under the influence of drugs/alcohol
 - (12) Vehicle usage resulting in felony conviction
 - (13) Operating a vehicle without the owner's consent
 - (14) Racing
 - (15) Operating a school bus without a school bus license
 - (16) Illegal use of operating license
 - b. Three or more occurrences within a previous three year period:
 - (1) Deviating from traffic lane
 - (2) Failure to stop for school bus

- (3) Inattentive driving
- (4) Imprudent speed
- (5) Speeding 11 or more miles above the speed limit
- (6) Driving on the wrong side of the road
- (7) Failure to keep vehicle controlled
- (8) Failure to yield right of way
- (9) Driving too fast for conditions
- (10) Unnecessary acceleration

B. Personal Vehicle Certification

- 1. Current Wisconsin Drivers License
- 2. Evidence of current minimum insurance coverage verified by an insurance policy copy supplied to HRD at every policy renewal.
 - a. \$100,000 Per Person
 - b. \$300,000 per Accident for Bodily Injury
 - c. \$25,000 Property Damage

II. Recordskeeping

- A. The Oneida Human Resources Department (HRD) will maintain a current list of all certified drivers.
 - 1. Lists will be supplied to the Oneida Fleet Vehicle Manager and Travel Reimbursement Departments.
- B. Tribal Vehicle Drivers must notify HRD within five working days of any convictions affecting their certification eligibility.

III. Supervisor's Responsibility

- A. Supervisors shall ensure that no uncertified employees drive on Tribal business.
 - 1. Departments shall create Standard Operating Procedures which minimize driver's risk exposure.
- B. Supervisors shall take action when employees or HRD report violations. Actions may be but are not limited to:
 - 1. Reassigning the uncertified employee to a position which does not require driving.
 - 2. Removing the driving requirement from the employee's job description.
 - 3. Place the employee on unpaid leave until they become recertified.
 - 4. Termination of employment because a valid driver's license is a required qualification on the job description.
- C. If a supervisor has reason to question an employee's mental or physical health as it relates to the employee's ability to drive on Tribal business, the supervisor shall refer the employee to the Oneida Occupational Health Department or the Oneida Employee Assistance Program (EAP) for an assessment.
- D. Employees may refer a driver to the Oneida Safety Department, which may also make referrals to Oneida Occupational Health or EAP.

--- Draft	<input checked="" type="checkbox"/> Final # 995
--- Law	<input checked="" type="checkbox"/> Policy
---	Ordinance
---	Resolution
---	Program
---	Other
Approved by	General Tribal Council
---	Business Committee
Authored by	
Legal Review by	Date:
Public Hearing/s held on:	
Repealed or Superseded on:	

VEHICLE DRIVER POLICY

Oneida Tribe of Indians of Wisconsin

Philosophy and Purpose

The purpose of this policy is to promote the safe operation of vehicles used to conduct Tribal business. This policy covers all employees who use Tribal-owned or controlled vehicles to transport passengers or to accomplish Tribal business and those employees who use personal vehicles to transport passengers or to travel in the normal course of their duties.

AUTHORIZATION

The Oneida Tribe will authorize employees to drive Tribal vehicles or use personal vehicles on Tribal business only if procedures and conditions outlined in this policy are met. The Driver Classification Schedule outlines each Classification Level, the eligibility criteria for each Level, and the requirements to be satisfied for each level of classification.

PROCEDURES

A. Tribal employees must request authorization by submitting the following documentation:

1. Classification Level I - Tribal Vehicle
 - a. Current Wisconsin Drivers License
 - b. Health Fitness Certification (Medical Exam Report, Form "A")
 - c. Special License (A, B, C, D, M)

2. Classification Level II - Mileage Reimbursement & Tribal Business
 - a. Current Wisconsin Drivers License
 - b. Medical Exam Report - Form "B"
 - c. Evidence of safe, reliable vehicle
 - d. Evidence of insurance (submit a copy)
Comply with Section H. 1. a. & b.

3. Classification - Level III - Prohibited Drivers

Classification Level III employees are prohibited from operating any tribal or personal vehicle for any reason as an employee of the Oneida Tribe. This policy does not restrict individuals from operating personal vehicles on personal business (such as travel to and from work, travel on breaks for personal reasons, or travel before and/or after work).

C. Reimbursement Eligibility

1. Classification Level I, II employees will be eligible for reimbursement of authorized travel expenses only if job-related activities specifically support the need to travel; all other requests for reimbursement will be denied.
2. All other employees may use a personal vehicle on personal business (such as travel to and from work, travel on breaks for personal reasons, or travel before and/or after work).
3. Federal Program guidelines require different insurance levels. Supervisors requesting employee authorization are required to check their program's federal guidelines to ensure compliance with the required levels of insurance. (Each department is responsible for submitting an employee list.)
4. All employees hired with out-of-state licenses must apply for a Wisconsin Drivers License and provide the Human Resources Department with a copy of that license within thirty (30) days of hire.
5. It is the employee's responsibility to notify their immediate supervisor and the Human Resources Department of any/all driving related convictions or undisputed ticket related incidents incurred while employed (within five (5) working days) with the Oneida Tribe to ensure all driving information is accurate and up-to-date. Any actions which appear as part of the official record with the Department of Motor Vehicles may affect the employee's eligibility to drive or collect mileage reimbursement under the Tribe's Driver's Policy.
6. It is the employee's responsibility to submit a current copy of their auto insurance and driver's license. The employee must send the Human Resources Department a copy of new license and auto insurance as needed/required.
7. Mileage reimbursement checks will not be approved until **compliance with the Policy and all documents have been** submitted to the Human Resources Department.

D. Reclassification

1. Employees may request an upgrade. The request must follow all procedure and satisfy all conditions outlined in this policy.
2. Employees who experience health-related conditions which require medication **that alter ability to drive (i.e.: drowsiness) or for any other reason are unable to fulfill the conditions of this policy governing the safe operation of a vehicle may be temporarily reclassified.** The supervisor shall inform the Human Resources Office of the need to temporarily reclassify the employee, and will work with the Human Resources **Department** to accommodate the needs of the department.
3. Failure to follow the procedures or to meet the conditions outlined in this policy will result in an automatic Level III classification **or a reclassified employee.**

E. Records

1. The Oneida Community Health Center will be responsible for all medical certifications and medical record-keeping.

1. **TRIBAL BUSINESS:** work conducted during hours as assigned to your office, work station, building, grounds or areas.
2. These work hours are usually of eight (8) to ten (10) hour spans and may include the allotted break and lunch times.
3. Transportation during work hours, in a **personal** vehicle from station to station through the work hours are included in the scope of tribal business.
4. Transportation during working hours in a **tribal vehicle** to and from work and/or station to station through the work hours are included in the scope of tribal business.
5. Tribal business also includes business and representation when an employee, at the expense or for the benefit of the tribe, attends a seminar, training session, work shop, conference or other work related gathering held off tribal business premises including out-of-state and out-of-town.