

ONEIDA NATION
Human Resource Department

Location:
909 Packerland
Green Bay, WI 54303

Phone: (920)496-7000
<http://www.oneida-nsn.gov>



Mailing Address:
P.O. Box 365
Oneida, WI 54155-0365

Fax: (920)496-7490

Human Resources Department Interpretation

October 11, 2017

HRD is interpreting section 210.5 *Driver Responsibilities* of the Vehicle Driver Certification and Fleet Management Law.

The intention of the law is to prevent employees from driving while impaired. This interpretation explains when employees can drive while taking medications. Some medications say do not operate a motor vehicle while others say to use caution while operating a motor vehicle. Some medications have no driving warning yet create impairment in some people. The following explains the terms which employees may drive while taking medication.

210.5-1 While operating a Tribal vehicle or a personal vehicle on Tribal business, drivers shall:

(d) Not drive while:

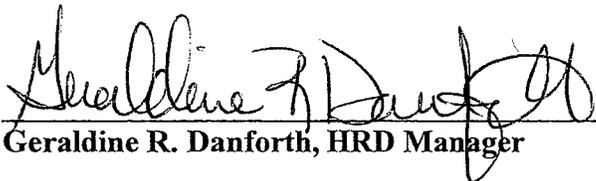
- (1) under the influence of controlled substances, intoxicating beverages, prescription drugs or other medications that caution against operating a motor vehicle when taken.

Interpretation #1: "Under the influence" means: less proficient, less skillful, less coherent, less able, and less efficient in the performance of their job, this includes driving a motor vehicle.

Interpretation #2: "Caution against" means prohibits (as it relates to operating a motor vehicle). Warnings that use phrases like "use care when," or "use caution if," etc., do not count as prohibiting driving or operating heavy machinery.

Regardless of the warning, if an employee is "under the influence" they may not drive. Employees are expected to notify their supervisor they cannot drive when they are impaired. Supervisors and employees have obligations under the Drug and Alcohol Free Workplace Policy 202.5-6: *Use of Controlled Substances That May Affect Safety or Performance*. Refer to the Drug and Alcohol Free Workplace Policy for full details.

Note: HRD has presented this concern to the Legislative Operating Committee and requesting further clarification and consideration for emergency amendment.



Geraldine R. Danforth, HRD Manager



Date

This interpretation is made under the authority of BC Resolution 5-12-93-J, "the interpretation, notification, and enforcement the Personnel Policy and Procedures will be the responsibility of the Oneida Tribal Human Resources Department and that individual department, division, key staff, controlling committees or commissions will be held responsible for implementation and compliance".