

Title 2. Employment - Chapter 210
VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT

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210.1. Purpose and Policy

210.1-1. *Purpose.* The purposes of this law are to:

- (a) establish standards that certify employees, officials and volunteers to drive a Tribal vehicle or drive a personal vehicle on Tribal business, and
- (b) regulate the use of all vehicles owned and leased by the Nation.

210.1-2. *Policy.* It is the policy of the Nation to:

- (a) ensure the safety of the community and employees of the Oneida Nation;
- (b) minimize the Nation's liability when physical damage to vehicles and/or property damage occurs as a result of a motor vehicle crash; and
- (c) improve the efficiency and effectiveness of the use of vehicles owned by the Nation.

210.2. Adoption, Amendment, Repeal

210.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-C.

210.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

210.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

210.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, this law repeals the following:

- (a) BC-09-09-98-A (Amended Vehicle Driver Certification Policy)
- (b) BC-09-24-97-E (Oneida Vehicle Fleet Management Policy)

210.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

210.3. Definitions

210.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Business day" means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding the Nation's holidays.
- (b) "Business miles" means miles driven in a vehicle by an individual in order to conduct Tribal business.
- (c) "Certification" or "certified" means that a driver meets the requirements established by this law and is authorized to operate a Tribal vehicle and/or a personal vehicle on Tribal business.
- (d) "Driver" means any employee, official and/or volunteer who is certified to operate a Tribal vehicle, or to drive a personal vehicle on Tribal business.

- (e) “Driver’s abstract” means a driver’s official driving record, which includes, but is not limited to, any restrictions or limitations that may be imposed on the driver’s driving privileges.
- (f) “Employee” means an individual who is employed by the Nation and is subject to the direction and control of the Nation with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship. “Employee” includes, but is not limited to, an individual employed by any program or enterprise of the Nation, and political appointees.
- (g) “Entity” means a department, enterprise, program, board, committee or commission of the Nation.
- (h) “Nation” means the Oneida Nation.
- (i) “Non-business miles” means miles driven in a Tribal vehicle that are not business-related, including commuting.
- (j) “Official” means anyone who is serving on the Oneida Business Committee or the Oneida Judiciary, and any other person who is elected or appointed to a board, committee or commission created by the Oneida Business Committee or Oneida General Tribal Council.
- (k) “Supervisor” means the direct supervisor of an employee. Provided that, for volunteers, officials and employees without a direct supervisor, it means the Human Resources Department or any party who has been designated by the Human Resources Department as responsible for performing a supervisor’s responsibilities under this law.
- (l) “Tribal” or “Tribe” means the Oneida Nation.
- (m) “Tribal vehicle” means a vehicle owned or leased by the Nation.
- (n) “Volunteer” means a person who provides a service to the Nation without receiving pay.
- (o) “Workday” means a regularly scheduled workday or service day for a driver, regardless of whether the day falls on a weekday or weekend.

210.4. Tribal Department Responsibilities

210.4-1. *Department of Public Works.* The Department of Public Works shall maintain Fleet Management and Automotive Departments to assist with the implementation of this law.

210.4-2. *Fleet Management.* Fleet Management shall:

- (a) Purchase, manage and monitor the use of Tribal vehicles, including the removal of unsafe vehicles from the fleet;
- (b) Obtain estimates of and schedule Tribal vehicle repairs when necessary;
- (c) Participate in motor vehicle crash investigations;
- (d) Participate in situations requiring approval of driver certifications;
- (e) Install or remove global positioning system monitors on Tribal vehicles;
- (f) Ensure that all Tribal vehicles are equipped with a mileage log and an auto incident kit which contains forms and instructions for reporting any incident; and
- (g) Maintain a list of all fleet vehicles that are available for use by drivers; including vehicles permanently assigned to specific departments.

210.4-3. *Automotive Department.* The Automotive Department shall service and maintain Tribal vehicles according to factory recommendations, or the maintenance schedule established by the Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive Department shall be reported to Fleet Management.

210.4-4. *Risk Management.* Risk Management shall:

- (a) Secure and maintain insurance coverage for all Tribal vehicles, or may designate another party to do so;
- (b) Provide auto insurance identification cards in every Tribal vehicle;
- (c) Process all submitted vehicle claims and related information;
- (d) Submit claims to the insurance company;
- (e) Participate in motor vehicle crash investigations; and
- (f) Participate in situations requiring approval of certifications.

210.4-5. *Human Resources Department.* The Human Resources Department shall:

- (a) Maintain a current list of drivers and provide the list to Fleet Management and the Central Accounting Department on a regular basis;
- (b) Perform driving record checks and approve or deny certification based on the review of an individual's driving record; and notify the appropriate parties immediately of ineligibility in writing;
- (c) Notify supervisors immediately of
 - (1) the certification status of his or her employees or volunteers; and
 - (2) of any cancelation or lapse in a personal vehicle driver's insurance coverage.
- (d) Assist supervisors with the administration of suspensions and/or revocations of certification;
- (e) Request and maintain records of proof of insurance on personal vehicles driven on Tribal business;
- (f) Participate in motor vehicle crash investigations;
- (g) Maintain documentation of all required driver training and regulatory compliance;
- (h) Perform, or delegate to another person to perform, the supervisory responsibilities identified in this law, for drivers who do not have a supervisor.

210.4-6. *Environmental Health & Safety Division.* The Environmental Health & Safety Division shall provide driver safety training as included herein, and provide the Human Resources Department with the names of drivers who have completed training after each training session.

210.4-7. *Supervisors.* For drivers who do not have a supervisor, the Human Resources Department shall either assume the supervisor's responsibilities, or shall delegate those responsibilities to another person/entity. Supervisors of drivers shall:

- (a) Ensure those drivers who report to them are certified before allowing those employees to drive a Tribal vehicle or a personal vehicle on Tribal business.
- (b) Ensure drivers have the appropriate license, training certification(s), and insurance information on file with the Human Resources Department.
- (c) Ensure all motor vehicle crashes and damages are reported in accordance with this law.
- (d) Ensure that all Tribal vehicle mileage is recorded and submitted to Fleet Management in accordance with requirements established by Fleet Management.
- (e) Approve expense reports submitted for personal vehicle mileage reimbursement.
- (f) Promptly take appropriate action to investigate:
 - (1) all infractions of this law of which they become aware, including but not limited to, allegations of alcohol or drug use while using a Tribal vehicle or personal vehicle for Tribal business.
 - (2) allegations of a history of unsafe driving, regardless of whether or not the employee has ever been charged with an offense.
- (g) Ensure that all employees who directly report to them abide by this law.
- (h) Implement disciplinary action against employee drivers who violate this law, in accordance with the Nation's laws governing employment.
- (i) When necessary, refer drivers to:

- (1) the Environmental Health & Safety Division or an appropriate agency or training source for additional driver training; and/or
- (2) the Employee Assistance Program, in accordance with applicable policies and procedures of the Nation.

210.5. Driver Responsibilities

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

- (a) Abide by all provisions of this law.
- (b) Follow all traffic laws, respect property, be courteous and use good judgment.
- (c) Wear seat belts and require passengers to wear seat belts at all times.
- (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, or
 - (2) impaired by a medical or physical condition or other factor that affects a driver's motor skills, reaction time or concentration.
- (e) Not transport controlled substances, intoxicating beverages, or any passenger that is in possession of controlled substance or intoxicating beverages; without prior written approval from his or her supervisor to do so.
 - (1) *Exemptions.* Employees of the Nation who are transporting such substances, beverages or passengers in the course of performing their job duties are exempt from this requirement.
- (f) Not transport unauthorized passengers.
- (g) Not use devices such as cell phones, whether for talking or texting; notebook or laptop computers; books or book applications; newspapers or magazines; and two-way radios unless the vehicle is safely stopped.
 - (1) *Exemptions.* The following are exempt from this requirement:
 - (A) Authorized emergency vehicle communication equipment
 - (B) Navigation devices
 - (C) Communication equipment used while performing services for the Nation.

210.6. Tribal Vehicle Usage

210.6-1. Drivers who do not have access to a permanently assigned Tribal vehicle and who are unable to use a vehicle assigned to another department, may request to use a Tribal vehicle to conduct Tribal business by submitting a request to Fleet Management. Whenever possible, such requests shall be made at least one (1) week in advance.

- (a) Fleet Management may cancel reservations that are not fulfilled in a timely manner and may combine vehicle use for travel to the same destination.
- (b) Before determining whether a Tribal vehicle is available or approving the use of a Tribal vehicle, Fleet Management shall confirm that:
 - (1) the driver is certified.
 - (2) the driver has written consent to use a Tribal vehicle; provided by the driver's supervisor, if the driver is an employee; or by the driver's entity, if the driver is an official or volunteer.
 - (3) any passengers are authorized to travel in a Tribal vehicle, in accordance with 210.6-3.
- (c) Before approving the use of a permanently assigned Tribal vehicle by any driver; the department shall be responsible for confirming that the requirements of (b) are met.

210.6-2. In order to have a Tribal vehicle permanently assigned to an entity, the entity shall drive a minimum number of miles annually, as determined by Fleet Management. Exceptions to the mileage criteria may be granted upon request by an entity and with written approval from Fleet Management.

(a) Entities who have a permanently-assigned vehicle shall regularly schedule service work, maintenance work and safety checks with the Automotive Department.

210.6-3. The following individuals may travel in a Tribal vehicle:

- (a) Employees, officials or volunteers who are on Tribal business,
- (b) Individuals being transported as part of a program or service of the Nation,
- (c) Individuals being transported during the normal and ordinary course of representing and/or conducting business on behalf of the Nation; and
- (d) Individuals who are authorized, by Oneida Business Committee motion, to travel in a Tribal vehicle. The Oneida Business Committee may request input from Fleet Management before making a determination on these requests.

210.6-4. When a driver uses a Tribal vehicle, he or she shall:

- (a) Complete a vehicle mileage log. Vehicle mileage logs shall be provided in each Tribal vehicle.
- (b) Notify Fleet Management immediately of any problem(s) with a Tribal vehicle that may be a safety or mechanical hazard, or of any incidents that result in the inability of a Tribal vehicle to complete a trip.
- (c) Be personally responsible for all traffic citation costs, parking ticket costs or any similar expense related to vehicle use.
- (d) Use Oneida One Stops for fueling Tribal vehicles, unless the Tribal vehicle needs fuel before it can be taken to an Oneida One Stop.
- (e) Not smoke, and not permit others to smoke, in the Tribal vehicle.
- (f) Ensure the interior of the vehicle is kept in good condition, clean and free of debris.

210.6-5. Tribal vehicles shall be used for business miles. When away from the work site, a Tribal vehicle may also be used for incidental purposes, such as travel to and from lodging and meal sites. Tribal vehicles shall not be used for any of the following:

- (a) Personal use or non-business miles, except as authorized under the Business Committee Vehicle Policy.
- (b) Vacation.
- (c) Towing cargo for personal reasons.
- (d) Hauling loads that could structurally damage the vehicle.
- (e) Delivering goods or services for personal gain, or operating private pools where the riders pay the driver.
- (f) Transporting hitchhikers.
- (g) Jump starting vehicles, other than Tribal vehicles.

210.6-6. Tribal logos shall be placed on all Tribal vehicles.

210.6-7. *Additional Equipment, Modifications.*

(a) Modifications to Tribal vehicles for personal reasons are not permitted. Modifications to Tribal vehicles for operating purposes may be allowed only with the approval of Fleet Management.

(1) Provided that, this shall not be construed to prohibit drivers from making temporary, non-permanent modifications, such as adjusting the positions of vehicle seats or mirrors.

(b) Fleet Management may equip Tribal vehicles with Global Positioning Systems (GPS) to monitor vehicle usage.

(c) Radar detection devices shall not be installed or used in Tribal vehicles.

210.7. Rental Vehicles

210.7-1. Rental vehicles are considered Tribal vehicles for the purpose of this law. All provisions of this law apply to rental vehicle usage. Vehicles shall be rented in accordance with the Oneida Travel and Expense Policy and drivers of rental vehicles shall be certified in accordance with this law.

210.7-2. Every vehicle rental shall include the purchase of the maximum collision damage waiver offered by rental companies.

210.8. Driver Certification

210.8-1. *Certification.* All persons shall be certified before operating a Tribal vehicle or personal vehicle on Tribal business. In order to be certified, an individual shall:

- (a) Be eighteen (18) years of age or older.
- (b) Satisfy any additional experience requirements established by law or by rules promulgated by the Human Resources Department, that apply for the vehicle being assigned or used.
- (c) Hold a valid, non-probationary Wisconsin driver's license and provide proof of such license, including any commercial endorsement(s), to the Human Resources Department within thirty (30) days after his or her start of employment or time of election, appointment or volunteer service.
 - (1) Drivers with commercial driver's licenses may be restricted to only operating Tribal vehicles within the state of Wisconsin.
 - (2) An occupational license is a valid, non-probationary driver's license if the driver's abstract which accompanies the occupational license allows the driver to operate vehicles for his or her job with the Nation.
 - (3) Individuals with a driver's license from a state other than Wisconsin shall obtain a Wisconsin driver's license within thirty (30) days after their first day of actual employment or service and provide a copy to the Human Resources Department.
- (d) Pass a driving record check by the Human Resources Department to verify the driver has a valid, non-probationary driver's license as identified in (c); and to verify the driver has no citation or conviction related to a traffic incident, and no driving citation or conviction involving drugs or alcohol, within the time period(s) that would make the driver ineligible for certification under this law.
 - (1) The individual shall have his or her driving record checked by the Human Resources Department prior to his or her hire date or start date.
 - (A) State Department of Motor Vehicle reports shall be used to determine whether an individual passes the driving record check.
 - (B) An individual with a driver's license from a state other than Wisconsin shall have his or her driving record checked based on that state's license.
 - (2) The Nation reserves the right to check driving records of a driver at any time. All drivers shall authorize the Human Resources Department to check his or her driving record.
 - (3) The Nation reserves the right to allow insurance carriers or agents to check driving records at any time. This review shall be deemed to be a review by the Nation.
- (e) Complete all driver training requirements imposed by the Nation, an individual entity, or by any federal or state agency regulations.

(1) Except as provided in (e)(2), drivers who are certified to operate a Tribal vehicle shall complete driver safety training every three (3) years.

(A) The training program shall be administered, scheduled, and documented by the Environmental Health & Safety Division.

(B) A break in employment or service of one hundred eighty (180) days or greater requires retraining.

(C) Drivers shall be paid their regular wage for all required training.

(2) Tribal vehicle drivers who are subject to specialized driver safety training requirements imposed by state or federal regulatory agencies are exempt from the driver safety training required in (e)(1), provided that, such drivers shall complete all required driver safety training according to the applicable regulations before operating a Tribal vehicle to which the regulations apply.

210.8-2. *Additional Requirements for Personal Vehicle Drivers.* In addition to the requirements listed in 210.8-1, the following also apply for drivers of personal vehicles on Tribal business.

(a) *Insurance.* Each driver shall provide the Human Resources Department with written proof that he or she carries at least the minimum insurance coverage required by this law. Drivers shall maintain updated proof of vehicle insurance and provide copies to the Human Resources Department. The Human Resources Department may request written proof of insurance from drivers at any time.

(1) The minimum insurance requirements on a personal vehicle are:

(A) one hundred thousand dollars (\$100,000) per person;

(B) three hundred thousand dollars (\$300,000) per accident for bodily injury; and

(C) twenty-five thousand dollars (\$25,000) property damage.

(2) A driver shall immediately notify the Human Resources Department of any cancellation or lapse in his or her insurance coverage. No driver may drive a personal vehicle on Tribal business during the time he or she does not have the required minimum personal auto insurance coverage.

(3) If a personal vehicle driver's required insurance lapses, the Human Resources Department shall immediately remove the driver from the list of certified drivers, and notify the driver's supervisor once this action has been taken.

(b) *Mileage Reimbursement.*

(1) A driver who operates a personal vehicle on Tribal business shall be reimbursed for any business miles driven if he or she:

(A) was certified at the time and had written proof of required insurance on file with the Human Resources Department.

(B) had prior consent from his or her supervisor to travel those miles on Tribal business.

(2) While driving on Tribal business, drivers of personal vehicles shall not use their vehicle for personal gain of any kind.

(3) All provisions of this law apply to drivers of personal vehicles on Tribal business regardless of whether or not vehicle mileage reimbursement is submitted.

210.8-3. *Additional Requirements*

(a) Individual entities may require stricter certification procedures and standards that do not conflict with these standards; including but not limited to, specialized requirements regarding age, experience, training, and licensing. Such procedures and standards shall be submitted to Fleet Management, Risk Management and the Human Resources Department for review and approval.

(b) Drivers are subject to all specialized requirements imposed by state or federal regulatory agencies; including but not limited to, regulatory requirements pertaining to the use of drugs and alcohol.

210.8-4. Drivers shall immediately notify their supervisor; and the supervisor shall immediately notify the Human Resources Department in writing, of any of the following:

(a) An arrest, charge or conviction for any:

(1) motor vehicle operation violation involving drugs or alcohol; or

(2) criminal offense related to a traffic incident.

(b) Any restriction, suspension, revocation, cancellation or, if applicable, reinstatement of driving privileges related to his or her driver's license.

210.8-5. Drivers shall immediately notify their supervisor of any impairment by a medical or physical condition or other factor that affects his or her motor skills, reaction time or concentration. Supervisors shall notify the Human Resources Department, in writing, of such information when appropriate.

210.9. Motor Vehicle Crashes; Damage Involving Tribal Vehicles

210.9-1. This section shall apply in the event a driver is involved in a motor vehicle crash while driving a Tribal vehicle or a personal vehicle on Tribal business; and/or in the event that a Tribal vehicle is damaged during use. Provided that, if the Travel and Expense Policy has more restrictive requirements regarding accident reporting, the provisions of that policy shall apply.

210.9-2. In the event of a motor vehicle crash or damage involving the vehicle, drivers shall be subject to the following reporting requirements; provided that, if a driver sustains injuries that make it impossible to meet the reporting deadlines identified herein; the driver shall instead make the required reports as soon as he or she is able to do so:

(a) immediately report the crash or damage to local law enforcement if it results in any of the following:

(1) an injury to the driver or another person that requires medical intervention by law enforcement or emergency personnel, or treatment at a medical facility; or

(2) death of a person; or

(3) damage to property that does not belong to the driver or the Nation; or

(4) a Tribal vehicle being disabled and/or needing to be towed.

(b) immediately report the motor vehicle crash or damage to his or her supervisor.

(c) provide Fleet Management and Risk Management with a completed incident report by the end of the next business day immediately following the motor vehicle crash or damage.

(d) comply with any applicable alcohol and drug testing requirements established in other laws of the Nation.

210.9-3. Drivers shall follow any additional, applicable motor vehicle crash reporting requirements for vehicles regulated by a state or federal agency.

210.9-4. *Internal Review.* Whenever necessary, Fleet Management and Risk Management shall coordinate and conduct internal reviews of motor vehicle crashes involving Tribal vehicles. Internal reviews may include other personnel as deemed appropriate by Fleet Management and Risk Management.

(a) Fleet Management and Risk Management shall have investigative authority to:

(1) determine fault, if not determined by law enforcement; and/or

(2) recommend whether a driver's certification should be suspended.

(b) Internal reviews shall be completed as soon as practicable after a motor vehicle crash has been reported; and shall be conducted in accordance with industry standards of practice.

(c) Following an internal review, Fleet Management and Risk Management shall issue an investigation report. Copies of the investigation report shall be:

- (1) provided to the driver and the driver's supervisor; and
- (2) retained by Fleet Management and Risk Management for a minimum of three
- (3) years.

210.9-5. If, while driving a Tribal vehicle, a driver is determined to be, or admitted to be, partially or entirely at fault in a motor vehicle crash involving vehicle damage, property damage or personal injury, the driver may have his or her certification suspended.

210.10. Suspension and Revocation of Certification; Disciplinary Action

210.10-1. Any driver who violates this law may be subject to suspension of his or her vehicle driver certification, and/or driving privileges.

(a) *Driving Privilege Suspensions.*

(1) In certain situations, a supervisor may temporarily suspend a driver's driving privileges without suspending the driver's certification. When a driver's driving privileges are suspended, the driver shall not be permitted to drive a Tribal vehicle or to drive a personal vehicle on Tribal business.

(A) A supervisor shall temporarily suspend a driver's driving privileges:

- (1) When the driver is unable to provide proof that the driver carries any insurance required by this law, or
- (2) When the driver has not satisfied any driver training requirements as required by this law; but has made arrangements to complete the required driver training within a reasonable period of time.
- (3) Upon request from the Human Resources Department, in conjunction with the Risk Management Department, pending an investigation that appears likely to lead to a suspension of certification.
- (4) In any other situation where the supervisor is unable to determine whether the driver has valid certification and is eligible to drive a Tribal vehicle or a personal vehicle on Tribal business.

(B) When a supervisor suspends a driver's driving privileges; the supervisor shall promptly notify both the driver and the Human Resources Department, in writing, of the suspension, including the effective date; as well as the conditions that the employee is required to meet before the suspension may be lifted. The supervisor shall also notify both the driver and the Human Resource Department, in writing, once the driver's driving privileges are reinstated.

(C) A driver's driving privileges shall automatically be reinstated after the driver satisfactorily fulfills the conditions identified by the supervisor when the driving privileges are suspended.

(b) *Certification Suspensions.* A driver shall have his or her certification suspended for any of the following:

- (1) Refusing to allow the Nation or an insurance carrier check his or her driving record.
- (2) Failing to immediately notify his or her supervisor of any information as required in 210.8-4 or elsewhere in this law.
- (3) Noncompliance with motor vehicle crash reporting requirements established by this law.

- (4) Failing to complete any applicable driver training requirements.
 - (5) Being arrested, charged or convicted of a motor vehicle operation violation involving drugs, alcohol or criminal offense related to a traffic incident.
 - (6) Having his or her driver's license restricted, suspended, revoked or cancelled by the state.
 - (7) Knowingly driving a Tribal vehicle without being certified under the provisions of this law.
 - (8) For a personal vehicle certification, not maintaining the minimum insurance requirements for a personal vehicle.
- (c) Supervisors who fail to uphold this law may face disciplinary action, in accordance with the laws of the Nation governing employment.
- (d) Regardless of whether a violation results in suspension of certification,
- (1) employees who violate this law may also be subject to disciplinary action, in accordance with laws of the Nation governing employment;
 - (2) officials who violate this law may also be subject to sanctions and penalties in accordance with applicable laws of the Nation; including but not limited to, removal from office for elected officials and termination of appointment for appointed officials.

210.10-2. Except as provided in 210.11-2(d) and 210.10-7(b), suspension of a vehicle driver certification or of driving privileges, is not appealable.

210.10-3. *Suspensions Affecting Employment Status.* Suspension of certification is a suspension of driving privileges and is not leave from work. Individuals who have their driving privileges suspended in accordance with 210.10-1(a), or who have their certification suspended and their ability to perform their duties as an employee affected by that suspension may request, in writing, that their supervisor and a Human Resources Department representative determine what, if any, options may be available to them. Options may include, but are not limited to: non-driving accommodation within the home department; reassignment to a position which does not require driving; a leave of absence without pay; or termination of employment.

210.10-4. The minimum length of a suspension shall be based on the number of prior suspensions that have occurred within the past three (3) years from the date of the incident that resulted in the most recent suspension:

- (a) The first time a driver has his or her vehicle driver certification suspended, the suspension shall last no less than five (5) full-time workdays.
- (b) The second time a driver has his or her vehicle driver certification suspended, the suspension shall last no less than ten (10) full-time workdays.
- (c) The third time a driver has his or her vehicle driver certification suspended, the suspension shall last no less than fifteen (15) full-time workdays.
- (d) Drivers who incur more than three (3) vehicle driver certification suspensions under this law within a three (3) year period shall lose their vehicle driver certification for three (3) years, beginning with the date of the incident that resulted in the most recent suspension.

210.10-5. Due to the seriousness of a citation for the operation of motor vehicles involving drugs or alcohol, vehicle driver certification shall be suspended upon the issuance of a driving citation involving drugs or alcohol. Certification may only be reinstated upon the dismissal of the citation or upon three (3) years passing from the date of citation.

210.10-6. A break in employment or service of one hundred eighty (180) days or greater shall clear the driver's record of any vehicle driver certification suspensions, except for three (3)-year suspensions resulting from a violation that involved drugs or alcohol. However, all prior suspensions may be used in re-employment consideration.

210.10-7. Notwithstanding any other provision of this law, the Nation reserves the right to suspend an individual's certification or extend a certification suspension. Certification may be suspended; or an existing suspension may be extended, based on the best interests of the Nation and in accordance with the following:

- (a) For officials and volunteers: upon unanimous agreement between the Human Resources Department, Fleet Management and Risk Management.
- (b) For employees: A supervisor may suspend an employee's certification or extend an existing suspension, when the supervisor determines it is appropriate to do so. The employee may appeal this adverse employment action in accordance with the employment laws of the Nation.

210.11. Reinstatement of Certification

210.11-1. Vehicle driver certifications that are suspended for thirty (30) days or less shall be automatically reinstated upon expiration of the suspension.

210.11-2. A driver whose certification is suspended for thirty-one (31) days or more, may have his or her certification reinstated in accordance with the following:

- (a) The driver may request reinstatement of his or her certification after:
 - (1) A certification suspension has concluded or any citation(s) are dismissed or the individual is cleared of any charges alleged in a citation that resulted in a driving certification suspension; and
 - (2) Three (3) years have passed since the individual was convicted of a motor vehicle operation citation involving drugs or alcohol; and
 - (3) The state removes a driver's license suspension; and
 - (4) Written proof has been submitted to the Human Resources Department that the individual has any required insurance coverage.
- (b) Upon receiving a request to reinstate an individual's certification, the Human Resources Department shall:
 - (1) check the individual's driving record to ensure the individual has no violations on his or her driving record preventing reinstatement; and
 - (2) verify the written proof of insurance submitted by the individual, provided it meets the requirements of this law.
- (c) If the individual passes the driving record check and his or her proof of insurance is verified, the individual's certification shall be reinstated upon approval of the Human Resources Department.
 - (1) *Exception.* For an individual's fourth (4th) suspension or a suspension due to a conviction of motor vehicle operation citation involving drugs or alcohol the individual's certification may only be reinstated if the following requirements are met:
 - (A) For officials and volunteers: certification may only be reinstated upon unanimous approval of the Human Resources Department, Fleet Management and Risk Management.
 - (B) For employees: The supervisor shall notify the Human Resources Department, Area Manager, and Risk Management of the request; and may reinstate the employee's certification if none of those entities object.
- (d) Any official, volunteer or employee may seek review of a decision not to reinstate certification, by filing an appeal with the Judiciary.

End.

Adopted BC-06-28-17-C.