

Oneida Nation

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Oneida, WI 54155

BC Resolution # 04-08-20-H

Amendments to the Vehicle Driver Certification and Fleet Management Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Vehicle Driver Certification and Fleet Management law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-06-28-17-C; and
- WHEREAS,** the purpose of the Law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Nation’s Risk Management Department, Fleet Management Department, and Human Resources Department – specifically including representatives from the Equal Employment Opportunity Department, Employment and Recruitment, Training and Development, and Personnel Services to develop the amendments to this Law; and
- WHEREAS,** the amendments to the Law revise the qualifications to become a certified driver, including: reduce the restriction on drug and alcohol convictions from three (3) years without an OWI, DUI, or PAC to twelve (12) months, allow no more than three (3) moving violations or at-fault crashes within a two (2) year period, and allow individuals with probationary licenses to become certified drivers if at least eighteen (18) years of age or older; and
- WHEREAS,** the amendments to the Law provide an exemption to the Law for those individuals whose duties with respect to the implementation of a contract, agreement, or compact of the Nation include driving and may be subject to compliance with a motor vehicle operation policy as provided in the contract, agreement, or compact of the Nation when this law is less stringent than the said motor vehicle operation policy; and
- WHEREAS,** the amendments to the Law clarify the restriction on driving while using prescription or over the counter medications; and
- WHEREAS,** the amendments to the Law ban weapons in fleet vehicles and personal vehicles while in use for official business, with certain exceptions; and

WHEREAS, the amendments to the Law require all certified drivers to complete driver safety training every three (3) years, regardless of whether they drive fleet or personal vehicles, with certain exceptions; and

WHEREAS, the amendments to the Law ban the use of e-cigarettes in tribal fleet vehicles; and

WHEREAS, the amendments to the Law require mileage reimbursement requests to be submitted within thirty (30) days of driving the miles or by the end of the fiscal year, whichever is sooner; and

WHEREAS, the amendments to the Law revise and simplify the process for suspending driver certification so that now an individual's driver certification is only suspended if his or her driver's license has been suspended or revoked by the state of Wisconsin, and all other violations of this law that do not result in the suspension or revocation of driver's license will be handled by disciplinary action; and

WHEREAS, the amendments to the Law allow a supervisor to require an employee take additional driver safety training if the individual is involved in certain circumstances, such as an at-fault motor vehicle crash or issuance of a moving violation, while driving a fleet vehicle or personal vehicle on official business; and

WHEREAS, the amendments to the Law make other minor drafting revisions; and

WHEREAS, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and

WHEREAS, a public meeting on the proposed amendments to this Law was held on January 23, 2020, in accordance with the Legislative Procedures Act, and the public comment period was held open until January 30, 2020; and

WHEREAS, the Legislative Operating Committee accepted, reviewed, and considered the public comments received on February 19, 2020; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Vehicle Driver Certification and Fleet Management law are hereby adopted and shall be effective on October 5, 2020.

BE IT FURTHER RESOLVED, that any individual who currently possesses certified driver status for the Nation shall maintain his or her certified driver status and be grandfathered in under the certified driver qualifications of this Law. The qualifications for certified driver status provided by this Law shall apply to all new applicants, new hires, or job transfers that occur after this Law becomes effective.

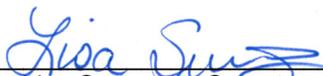
BE IT FURTHER RESOLVED, that the Human Resources Department shall conduct a review of all job descriptions to identify positions in which driving is not an essential function in order to determine what job descriptions the requirement to obtain driver certification can thereby be removed from.

BE IT FURTHER RESOLVED, that the Human Resources Department shall communicate with the Nation's Self Governance Department to identify positions within the Nation that would be required to comply with the Department of the Interior's Bureau of Indian Affairs' May 3, 2006 Motor Vehicle Operation Policy in accordance with the Nation's Compact and Funding Agreement with the U.S. Department of the Interior. The corresponding job descriptions for these positions shall be updated to note the required compliance with the Department of the Interior's Bureau of Indian Affairs' May 3, 2006 Motor Vehicle Operation Policy when this Law is less strict.

BE IT FINALLY RESOLVED, that the Human Resources Department shall develop and provide a training on the amendments to this Law. This training may be provided through e-learning.

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; 9 members were present at a meeting duly called, noticed and held on the 8th day of April, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."