

# ONEIDA NATION PUBLIC MEETING NOTICE

Thursday, January 23, 2020, 12:15 pm

Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at

[Oneida-nsn.gov/government/register/publicmeetings](http://Oneida-nsn.gov/government/register/publicmeetings)

Send Public Comments to

[LOC@oneidanation.org](mailto:LOC@oneidanation.org)

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920-869-4312



## VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT LAW AMENDMENTS

The purpose of this 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.

### The amendments to the Vehicle Driver Certification and Fleet Management law will:

1. Revise the qualifications to become a certified driver of the Nation;
2. Revise and simplify the process for suspending a person's driver certification;
3. Clarify that other violations of this law that do not result in the suspension or revocation of a driver's license will be handled by disciplinary action instead of suspension of driver certification;
4. Revise the restriction on driving while using prescription or over the counter medications;
5. Require mileage reimbursement requests to be submitted within 30 days of driving the miles or by the end of the fiscal year, whichever is sooner;
6. Ban the use of e-cigarettes in fleet vehicles; and
7. Clarify that weapons are banned in fleet vehicles and personal vehicles used for official business.

### PUBLIC COMMENTS PERIOD CLOSSES THURSDAY, JANUARY 30, 2020

During the Public Comment Period, anyone may submit written comments. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.

### PROVIDING EFFECTIVE PUBLIC COMMENTS

Providing public comment is an important way to make your voice heard in decision making. Public comments can strengthen a decision or provide different perspectives. The Legislative Operating Committee wants to hear from you!



**✓ READ THE PUBLIC MEETING MATERIALS:** Before you provide comments familiarize yourself with the legislation. A public meeting packet is made for every public meeting and it includes 1) a notice with the date, time, location, 2) a draft of the proposed legislation, and 3) a plain language review of the legislation and its impact on the Oneida Nation.

**✓ PREPARE YOUR COMMENTS:** When you are familiar with the legislation, start to prepare comments. The LOC is responsible for reviewing every comment received. To get your message across effectively, frame your comment clearly and concisely. Here is an example of how to create an effective comment:

Least Effective Comment	More Effective Comment	Most Effective Comment
The requirements for obtaining driver certification are too strict.	We should look at decreasing the age requirement for driver certification.	In section 210.4-2 the requirement to be at least 18 years old should be revised to 16 years old to allow more people who are employed by the Nation to be a certified driver.



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### AMENDMENTS TO VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT LEGISLATIVE ANALYSIS

#### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	<ul style="list-style-type: none"> <li>▪ To revise the qualifications to become a certified driver, including:               <ul style="list-style-type: none"> <li>▪ Reduce the restriction on drug and alcohol convictions from three (3) years without an OWI to twelve (12) months without an OWI;</li> <li>▪ No more than three (3) moving violations or at-fault crashes within a two (2) year period;</li> <li>▪ Allow individuals with probationary licenses to become certified drivers if age 18 or older;</li> </ul> </li> <li>▪ To revise and simplify the process for suspending driver certification:               <ul style="list-style-type: none"> <li>▪ 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;</li> </ul> </li> <li>▪ To clarify that 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;</li> <li>▪ To revise the restriction on driving while using prescription or over the counter medications to increase clarity;</li> <li>▪ To 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;</li> <li>▪ To 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;</li> <li>▪ To ban weapons in fleet vehicles and personal vehicles while in use for official business, with certain exceptions;</li> <li>▪ To ban the use of e-cigarettes in tribal fleet vehicles;</li> <li>▪ Additional changes to revise and reorganize the law to increase clarity.</li> </ul>		
Purpose	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. [2 O.C. 210.1-1].		
Affected Entities	Human Resources Department (HRD), Risk Management, Fleet Management, Automotive Department, Employee Assistance Program (EAP), All employees, officials, and volunteers of the Nation who drive fleet vehicles or personal vehicles on official business. All supervisors of employees who drive fleet vehicles or personal vehicles on official business.		
Related Legislation	Personnel Policies and Procedures, Travel and Expense Policy, Drug and Alcohol Free Workplace law, Clean Air Policy.		
Public Meeting	A public meeting has not yet been held.		
Fiscal Impact	A fiscal impact statement has not yet been requested.		

## SECTION 2. LEGISLATIVE DEVELOPMENT

- 0 A. The Nation’s Vehicle Driver Certification and Fleet Management law is an employment law that  
1 governs how employees, elected and appointed officials and volunteers may drive personal or tribally-  
2 owned (“fleet”) vehicles on official business. The law does not govern how employees, elected and  
3 appointed officials, or volunteers drive personal vehicles outside of work or when not conducting  
4 official business.
- 5 B. The Nation’s Vehicle Driver Certification and Fleet Management law was most recently amended on  
6 June 28, 2017. However, since the adoption of those amendments, the Human Resources Department  
7 and other departments of the Nation encountered challenges implementing the law due to lack of clarity.  
8 In addition, members of the Legislative Operating Committee (LOC) expressed concerns regarding the  
9 impact of driving certification requirements on the Nation’s ability to recruit and hire for positions.
- 10 C. This law was added to the LOC’s Active file List on February 7, 2018, by the Legislative Reference  
11 Office after consultation with the Human Resources Department and Oneida Law Office. Beginning in  
12 July 2019, a work group of representatives from relevant entities and departments have met to review  
13 the law. Several of the proposed amendments reflect the feedback and suggestions of this work group.  
14

## SECTION 3. CONSULTATION AND OUTREACH

- 15
- 16 A. Representatives from the following departments or entities of the Nation participated in the  
17 development of this law and legislative analysis: Human Resources Department (Equal Employment  
18 Opportunity, Employment and Recruitment, Training and Development, Personnel Services), Risk  
19 Management, and Fleet Management.
- 20 B. The following laws of the Nation were reviewed in drafting this analysis: Personnel Policies and  
21 Procedures, Travel and Expense Policy, Drug and Alcohol Free Workplace law, Clean Air Policy.
- 22 C. In addition, the following laws or policies of other governments, tribes and organizations were  
23 reviewed:
- 24     ▪ Ho Chunk Nation Fleet Ordinance; and
  - 25     ▪ State of WI Fleet Driver and Management Policies and Procedures
- 26

## SECTION 4. PROCESS

- 27
- 28 A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- 29 B. The law was added to the Active Files List on February 7, 2018.
- 30 C. At the time this legislative analysis was developed, the following work meetings had been held  
31 regarding developments of these amendments and legislative analysis:
- 32     ▪ July 15, 2019: Work meeting with HRD and Risk Management.
  - 33     ▪ July 29, 2019: Work meeting with HRD and Risk Management.
  - 34     ▪ August 13, 2019: Work meeting with HRD and Risk Management.
  - 35     ▪ September 4, 2019: Work meeting with LOC.
  - 36     ▪ October 2, 2019: Work meeting with HRD, Risk Management and Fleet Management.
  - 37     ▪ October 16, 2019: Work meeting with LOC.
  - 38     ▪ October 24, 2019: Work meeting with LOC
  - 39     ▪ November 5, 2019: Work meeting with LOC, HRD and Risk Management.
  - 40     ▪ December 4, 2019: Work meeting with LOC.
- 41

**SECTION 5. CONTENTS OF THE LEGISLATION**

A. *Qualifications for Driver Certification.* In order to drive a tribally-owned fleet vehicle or a personal vehicle for official business, an employee, official or volunteer must obtain driver certification from the Oneida Human Resources Department. Many of the Nation’s job descriptions require employees to be certified drivers as a requirement of their job. The law contains a list of requirements that an individual must meet in order to be certified. Proposed changes to these requirements include:

*Chart 1. Qualifications for Driver Certification – Comparison*

	<b>Current Law</b>	<b>Proposed Law</b>
<i>Age</i>	18 years or older	18 years or older
<i>License Status</i>	Possess valid, <u>non-probationary</u> Wisconsin Driver’s License.	Possess valid Wisconsin Driver’s License. <i>*Probationary license acceptable.</i>
<i>Driving Record Check: Drugs and Alcohol</i>	Disqualified if driving citation involving drugs or alcohol <u>within three (3) years.</u>	Disqualified if OWI, DUI or PAC citation <u>within the past twelve (12) months.</u>
<i>Driving Record Check: Other Driving Convictions</i>	No citation or conviction “related to a traffic incident.” <i>*HRD interprets this to mean no “traffic incident that results in the loss of a valid WI driver’s license.”</i>	Disqualified if three (3) or more moving violations and/or at-fault motor vehicle crashes in the past two (2) years. <i>*Moving violation is defined as “any violation of motor vehicle or traffic law that is committed by the driver of a vehicle while the vehicle is moving. A moving violation does not include parking violations, equipment violations, or paperwork violations relating to insurance, registration or inspection.”</i>
<i>Additional Requirements</i>	Complete all training requirements; Maintain minimum insurance requirements for personal vehicle.	Complete all training requirements; Maintain minimum insurance requirements for personal vehicle.

- **Change to Drug and Alcohol (OWI) Restrictions.** Currently, if an individual has had a drug or alcohol conviction within the past three (3) years, such as an OWI, that individual cannot drive for the Nation. These amendments reduce this timeframe to twelve (12) months.
  - *Current.* An individual cannot become a certified driver if they have had a driving citation related to drugs and alcohol within the past three (3) years. This includes OWI (Operating While Intoxicated), DUI (Driving Under the Influence), or PAC (Prohibited Alcohol Concentration) citations.

- 58           ○ *Proposed.* These amendments reduce this timeframe from three (3) years to twelve (12)  
59           months. This matches the timeframe that the WI State Government and University of  
60           Wisconsin System use for their employees, volunteers and students who drive state-owned  
61           vehicles.
- 62           ○ *Effect.* Individuals who have an OWI, DUI or PAC citation more than twelve (12) months  
63           ago may now become certified drivers for the Nation, provided they meet all other  
64           requirements of this law. The intent is to increase employment opportunities for individuals  
65           who may have had an OWI more than twelve (12) months ago and have complied with  
66           their sentencing and had their driver’s license reinstated by the State of Wisconsin.
- 67           ■ ***Change to Driving Record Restriction:*** Currently, if an individual has had “a citation or conviction  
68           related to a traffic incident,” the law states that they cannot become a certified driver. However, the  
69           law provides no definition for what a “traffic incident” means. Therefore, based on the lack of  
70           clarity, HRD issued an interpretation in 2017 defining traffic incident as “any traffic incident that  
71           results in the loss of an applicant’s and/or employee’s valid Wisconsin driver’s license.”
- 72           ○ *Current.* Under HRD’s interpretation of the current law, HRD only checks driving records  
73           to verify valid driver’s license and to check for drug and alcohol convictions.
- 74           ○ *Proposed.* These amendments now state that an individual cannot have “three or more  
75           moving violations and/or at-fault motor vehicle crashes in the past two (2) years.” The  
76           amendments define a “moving violation” as “any violation of motor vehicle or traffic law  
77           that is committed by the driver of a vehicle while the vehicle is moving. A moving violation  
78           does not include parking violations, equipment violations, or paperwork violations relating  
79           to insurance, registration or inspection.”  
80

### **Moving Violations**

*Examples of Wisconsin motor vehicle/traffic citations that would count as “moving violations” under this law:*

- Speeding (1 to 10 mph over limit)
- Speeding (11 to 19 mph over limit)
- Speeding (20 mph over limit)
- Failure to obey traffic sign or signal
- Illegal turn
- Obstructing traffic
- Failure to give proper signal
- Driving wrong way on one way street
- Inattentive driving
- Failure to yield right of way
- Driving on wrong side of highway
- Driving too fast for conditions
- Failure to stop for school bus with lights flashing
- Attempt to elude an officer
- Reckless driving
- Following Too Closely
- Texting while driving

- 81           ○ *Effect.* Due to the lack of clarity in the current law, HRD does not currently check for any  
82           traffic violations other than drug and alcohol related offenses. Upon adoption of this law,  
83           HRD will now check driving records and will not certify any individuals with three (3) or  
84           more moving violations in the past two (2) years.
- 85       ■ ***Change to Probationary License.*** Under the current law, probationary licenses are not acceptable  
86       as valid driver’s licenses. Under the proposed amendments, probationary licenses will now be  
87       accepted as valid driver’s licenses so long as the individual is eighteen (18) years or older.
- 88           ○ ***What is a Probationary License?*** In Wisconsin, a probationary license is a driver’s license  
89           issued to a new driver, regardless of age. According to WI DMV, “the main difference  
90           between a probationary license and regular license consists of the restrictions listed on the  
91           back of the license. A probationary license is not an instruction permit or learner’s permit.  
92           It is a valid driver’s license for operation within and outside of Wisconsin.” New drivers  
93           hold a probationary license for at least two (2) years after passing their driving test,  
94           regardless of age.
- 95           ○ *Effect.* Individuals age eighteen (18) or older who hold a probationary license may now  
96           become certified drivers so long as they meet all other requirements of this law.
- 97       ■ ***Change to Occupational License.*** Previously, the law stated that an occupational license “is a valid,  
98       non-probationary license if the driver’s abstract which accompanies the occupational license allows  
99       the driver to operate vehicles for his or her job with the Nation.” These amendments delete this  
100       provision and state only that an individual must hold a “valid Wisconsin driver’s license” [2 O.C.  
101       210.4-2(b)]. The term “valid Wisconsin driver’s license” is not defined.
- 102           ○ ***What is an Occupational License?*** An occupational license is a restricted driver’s license.  
103           According to WI DMV, “unlike a regular license, the driver is limited in where and when  
104           they can drive. Individuals may only drive to and from work or other places indicated on  
105           the license and only during specific times of the day.” An example is an individual who  
106           has their license suspended due to an OWI conviction. Such individuals may be eligible to  
107           apply for an occupational license to drive to and from work to maintain their employment.
- 108           ○ ***Required Waiting Periods for Occupational License.*** The required waiting period for an  
109           individual to apply for an occupational license after their driver’s license has been  
110           suspended varies depending on previous driving history and the reason for the current  
111           revocation suspension. A loss of license for demerit points (for example, speeding tickets)  
112           or first OWI has no waiting period. A second or subsequent OWI requires a 45-day waiting  
113           period or longer depending on the circumstances of the OWI.
- 114           ○ *Effect.* The current law clearly states that an occupational license qualifies as a “valid  
115           license” under this law, and that individuals with occupational licenses may be certified as  
116           drivers so long as the occupational license allows them to operate vehicles for his or her  
117           job with the Nation. The proposed amendments lack clarity on this subject and may require  
118           interpretation by HRD as to whether an occupational license can be considered a valid  
119           license. Other provisions of this law, such as the 12-month restriction on OWIs, will also  
120           impact when an individual can be recertified.
- 121       ■ ***Stricter Certification Procedures for Certain Entities.*** Previously, entities had the option to  
122       develop stricter driver certification standards and submit to Fleet Management, Risk Management  
123       and HRD for review and approval. This included specialized requirements regarding age,  
124       experience, training and licensing. This process has been eliminated. However, employees will be

125 required to satisfy “any other requirements specific to the job description and/or vehicle that may  
126 be used by or assigned to the person” as well as “all driver training requirements imposed by the  
127 Nation or any federal or state agency regulations” [2 O.C. 210.4-2(d) and (e)].

- 128 ○ **Effect.** Entities may include stricter driving requirements in job descriptions, department  
129 standard operating procedures (SOPs), and require employees to follow all tribal, state and  
130 federal requirements regarding specific vehicles (such as CDL certifications and required  
131 training for certain vehicles like buses.) However, entities will no longer submit stricter  
132 standards for approval by Fleet Management, Risk Management, and HRD.

133 **B. Employee Vehicle Insurance Requirement.** The Nation requires employees to maintain minimum  
134 insurance on their personal vehicle in order to use their vehicle to conduct official business [2 O.C.  
135 210.4-2(f)].

- 136 ■ **Current Requirement.** The current vehicle insurance requirement is one hundred thousand dollars  
137 (\$100,000) per person, three hundred thousand dollars (\$300,000) per motor vehicle crash for  
138 bodily injury, and (\$25,000) for property damage. These amounts remain unchanged in the  
139 amendments.
- 140 ■ **New Option for Combined Single Limit:** As an alternative, employees of the Nation may instead  
141 opt to carry a “combined single limit” of two hundred and fifty thousand dollars (\$250,000). A  
142 combined single limit is a type of insurance policy with a maximum dollar amount that covers any  
143 combination of injuries or property damage, rather than split limits for each type of coverage as in  
144 a typical policy. This option was added at the recommendation of Risk Management.
- 145 ■ **Effect.** Employees are still required to carry minimum vehicle insurance but may now opt to carry  
146 either split coverage (\$100k/\$300k/\$25k) or a combined single limit coverage (\$250k).

147 **C. Access to List of Certified Drivers.** The Human Resources Department (HRD) is required to maintain  
148 a list of certified drivers. This list is currently provided by HRD to both Fleet Management and  
149 Accounting. Now, HRD will also be required to provide this list to the Risk Management Department  
150 [2 O.C. 210.4-3(c)].

151 **D. Driving While on Prescription Drugs or Medication.** The current law states that while operating a  
152 vehicle on official business, drivers of the Nation shall not drive “while under the influence of  
153 controlled substances, intoxicating beverages, prescription drugs or other medications that caution  
154 against operating a motor vehicle when taken.”

- 155 ■ **Problem with Wording of Medication Restriction.** The wording of the prescription drug and  
156 medication restriction is unclear and has created challenges for HRD to implement. As HRD  
157 explains, many common medications may instruct individuals to “use caution” if driving, such as  
158 medication for seasonal allergies. “Alternatively, some medications have no driving warning yet  
159 create impairment in some people.” This has led to confusion as to whether employees can drive  
160 while using their medications. HRD issued an interpretation in 2017 to clarify this restriction and  
161 presented this concern to the LOC.
- 162 ■ **Proposed Change.** The amendments now state that an individual may not drive while “while under  
163 the influence of prohibited drugs or alcohol.” In addition, drivers may not drive if “impaired by a  
164 medical or physical condition or other factor that affects a driver’s motor skills, reaction time or  
165 concentration” [2 O.C. 210.5-1(d)].

- 166 ○ **Definition or Prohibited Drug.** The amendments define prohibited drug as “marijuana,  
167 cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone,  
168 barbiturates, narcotics, and any other substances included in Schedules I through V, as

169 defined by Section 812 of Title 21 of the United States Code. Prohibited drugs also  
170 includes prescription medication or over-the-counter medicine when used in an  
171 unauthorized or unlawful manner” [2 O.C. 210.3-1(i)].  
172 ○ *Effect.* The amendments clarify that employees may drive while using their prescription  
173 or over-the-counter medications as long as they are using the medication in a lawful  
174 manner and are not impaired while using the medication. Rather than restricting driving  
175 based on the “use caution” label that appears on many medications, the restriction is now  
176 based on the actual effects of that medication on the driver’s motor skills, reaction time or  
177 concentration.

178 **E. *Ban on Weapons in Vehicles While on Official Business.*** A new restriction has been added to the  
179 law stating that an individual cannot carry a weapon while operating a fleet or personal vehicle while  
180 on official business, regardless of whether the weapon is in the open or concealed [2 O.C. 210.5-  
181 1(e)].

- 182 ■ *Exception.* An individual who is carrying a weapon in the course of their official duties (such as a  
183 police officer) or participating in cultural activities or ceremonies (such as Oneida Rites of  
184 Passage) are exempt from this restriction.
- 185 ■ *Definition of Weapon:* A weapon is defined as “a firearm, knife, electric weapon, club, or any  
186 other object intended to cause harm to oneself or others” [2 O.C. 210.3-1(k)].
- 187 ■ *Current Policies and Laws Governing Weapons.*
  - 188 ○ The Nation’s current prohibited weapons policy, adopted by the BC resolution in 2011  
189 (BC-10-26-11-C), states that other than those required to carry weapons for their job, “no  
190 person shall carry a weapon, whether in the open or concealed, on Tribal public property,  
191 including any tribal building, gaming or retail business, facility, construction site, vehicle  
192 or at any Tribally sponsored event.”
  - 193 ○ In addition, the Workplace Violence Policy states that the possession or use of weapons  
194 on any kind of property of the Nation, including parking lots, other exterior premises or  
195 while engaged in activities for the Nation,” is a “prohibited behavior” [2 O.C. 223.5(g)].
  - 196 ○ Finally, the Nation’s Hunting, Fishing and Trapping law prohibits individuals from  
197 transporting a loaded firearm, air rifle or cocked bow or crossbow in a vehicle [4 O.C.  
198 409.9-1(c)].
  - 199 ○ *Conclusion:* Taken together, the Nation’s current laws and policies already restrict  
200 drivers from carrying weapons in their personal vehicles while on tribal property or in  
201 tribal parking lots or from carrying weapons in fleet vehicles under any circumstance.
- 202 ■ *Effect.* These amendments clarify that drivers may not carry weapons in either personal or fleet  
203 vehicles while on official business of the Nation unless required to do so for their job or cultural  
204 activities.

205 **F. *E-Cigarettes in Fleet Vehicles.*** The current law already states that individuals may not smoke or permit  
206 others to smoke in the Nation’s fleet vehicles. Under these amendments, the use of electronic smoking  
207 devices, or “e-cigarettes,” will also be prohibited in the Nation’s fleet vehicles [210.5-3(f)].

208 **G. *Driver Safety Training.*** The current law requires all drivers certified to drive a fleet vehicle to complete  
209 driver safety training every three (3) years. These amendments will now require all certified drivers to  
210 complete this safety training, regardless of whether they drive a fleet vehicle or a personal vehicle on  
211 official business.



- 212     ▪ *Training Responsibility Moved to HRD.* In addition, rather than Environmental Health and Safety  
213     Division, it will now be HRD’s responsibility to provide and monitor this training [2 O.C. 210.5-  
214     2]. During an LOC meeting, HRD Training and Development noted that there may be an expense  
215     related to purchasing or developing a driver safety training program.
- 216     ▪ *Training Exemptions.* Finally, individuals who are already required to comply with state or federal  
217     driver safety requirements (such as police officers) are exempt from the safety training offered by  
218     Oneida HRD.

219  
220     **Chart 2. Driver Safety Training Requirements**

	<b>Current Law</b>	<b>Proposed Law</b>
<i>Who is required to attend Driver Safety Training?</i>	Drivers certified to drive a <u>tribal</u> vehicle.	All individuals with driver certification, whether they drive personal or fleet vehicles.
<i>How often attend Driver Safety Training?</i>	Every three (3) years	Every three (3) years.
<i>Who is required to provide the training?</i>	Environmental Health and Safety Division.	Human Resources Department.
<i>Exemption if employee already completed specialized driver training?</i>	Yes.	Yes.

- 221
- 222     **H. New 30-Day Deadline to Submit Mileage.** Employees and officials of the Nation seeking mileage  
223     reimbursement for miles driven while conducting official business will now be required to submit their  
224     mileage forms within thirty (30) days of driving the miles or by the end of the fiscal year, whichever is  
225     sooner [2 O.C. 210.5-4(b)].
- 226     **I. Approval of Passengers in Fleet Vehicles.** Previously, the Oneida Business Committee was  
227     responsible for authorizing passengers in a fleet vehicle who were not employees, officials, volunteers,  
228     or individuals being transported as part of a program, service or to conduct business. In order to increase  
229     efficiency, the Fleet Management department will now be responsible for authorizing these types  
230     passengers [2 O.C. 210.6-7(c)].
- 231     **J. Drug Testing Requirement for Motor Vehicle Crashes.** When a certified driver is involved in a motor  
232     vehicle crash or damage involving a fleet vehicle or personal vehicle driven on official business, the  
233     driver must immediately report the crash and complete an incident report. The current law also states  
234     that the driver must comply with “any applicable alcohol and drug testing requirements established in  
235     other laws of the Nation.” This reference to drug testing requirements in other laws has been deleted.
- 236     ▪ *Drug and Alcohol Free Workplace law.* Although this reference has been deleted, employees of the  
237     Nation are still required to follow the Drug and Alcohol Free Workplace law. This policy states  
238     that if an employee is involved in a work-related accident, he or she must immediately inform their  
239     supervisor and, as a condition of employment, participate in pre-employment, reasonable suspicion,  
240     and follow-up testing upon the request of an appropriate authority [2 O.C. 202.8-3 and 8-4].
  - 241     ▪ *Effect.* Although the reference to alcohol and drug testing is deleted in this particular law,  
242     employees of the Nation may still be required to participate in alcohol and drug testing in  
243     accordance with the Drug and Alcohol Free Workplace law as a condition of their employment.
- 244     **K. Copy of Internal Reviews.** When there is a motor vehicle crash or damage involving a fleet vehicle or  
245     personal vehicle on official business, the Fleet Management Department and Risk Management

246 Department coordinate and conduct an internal review of the incident. These departments may  
247 recommend that an individual receive disciplinary action based on the incident. For example, discipline  
248 can be recommended if an employee recklessly damages a fleet vehicle.

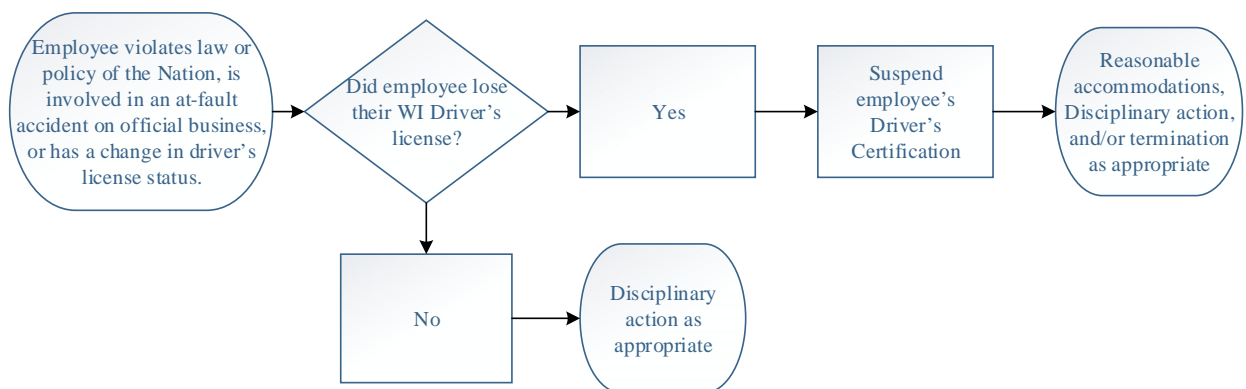
- 249 ■ *Reports Required for Both Fleet Vehicles and Personal Vehicle Crashes.* The current law states  
250 that internal reviews are to be conducted “whenever necessary” for motor vehicle crashes involving  
251 fleet vehicles, specifically. Now, internal reviews will be required for both fleet vehicles and  
252 personal vehicles driven on official business in the event of a motor vehicle crash or damage [2  
253 *O.C. 210.7-1*].
- 254 ■ *Copies of Reports to Area Managers.* Previously, these reports were provided to the driver and  
255 driver’s supervisor. Now these reports will also be provided to the driver’s area manager. The intent  
256 is to ensure that the driver’s area manager is kept informed of incidents and can ensure that issues  
257 are addressed with employees [2 *O.C. 210.7-2*].

258 **L. *Driving Privileges.*** The current law allows for supervisors to “temporarily suspend” an individual’s  
259 driving privileges without actually suspending their driver certification. In the other words, the  
260 individual is still certified as a driver by HRD, but his or her supervisor temporarily does not give them  
261 permission to drive on official business. This section has been deleted from the law. However, the  
262 amendments state that employees cannot drive fleet vehicles or their personal vehicles on official  
263 business “without obtaining permission from their supervisor” [2 *O.C. 210.5-4(a) and 6-6(b)*].  
264 Therefore, supervisors will still have the authority to deny permission for an employee to drive on  
265 official business on an individual basis without suspending their driver certification.

266 **M. *Suspension of Driver Certification.*** The process for a supervisor to officially suspend an employee’s  
267 driver certification has been substantially changed and simplified.

- 268 ■ *Proposed.* Under the proposed amendments, an individual’s driver certification is suspended only  
269 when the individual’s valid drivers license has been suspended or revoked by the state of Wisconsin  
270 or has otherwise become invalid. The length of the suspension lasts until the individual’s driver’s  
271 license is reinstated. In other words, if a person holds a valid Wisconsin driver’s license, that person  
272 can drive for the Oneida Nation assuming he or she meets all other requirements of this law. All  
273 other violations of this law, such as failure to submit insurance or inappropriate use of a fleet  
274 vehicle, will now be handled by disciplinary action in accordance with the Nation’s Personnel  
275 Policies and Procedures.

276  
277 **Chart 3. *Proposed Driver Certification Suspension Process.***  
278



279

**Chart 4. Suspension of Driver Certification – Comparison.**

	<b>Current Law</b>	<b>Proposed Law</b>
<i>Reason(s) to Suspend Driver Certification</i>	<p>Various violations of the law, including:</p> <ul style="list-style-type: none"> <li>▪ having WI driver’s license suspended or revoked,</li> <li>▪ being arrested or charged or convicted of motor vehicle operation violation involving drugs or alcohol;</li> <li>▪ Not reporting motor vehicle crash while on official business,</li> <li>▪ Not maintaining minimum insurance on personal vehicle</li> </ul>	Suspend driver certification only if Wisconsin Driver’s License has been suspended, revoked or otherwise invalid.
<i>Length of Driver Certification Suspension</i>	<ul style="list-style-type: none"> <li>▪ Minimum length of suspension between five (5) and fifteen (15) days for the first three (3) suspensions.</li> <li>▪ More than three (3) suspensions in a three (3) year period results in a three (3) year suspension.</li> <li>▪ Citation for motor vehicle violation involving drugs or alcohol results in automatic three (3) year suspension.</li> </ul>	Suspended until the individual’s WI Driver’s license is reinstated by the WI Department of Motor Vehicles and the individual meets qualifications for reinstatement under this law.
<i>Supervisor Discretion to Suspend or Extend Driver Certification for any other reason not listed in this law?</i>	Yes, “based on the best interests of the Nation...if the supervisor determines it is appropriate to do so”	No.
<i>Is Driver Certification Suspension Appealable?</i>	No.	No.
<i>Can the supervisor offer reasonable accommodations if driver certification suspension affects an employee’s ability to perform their job?</i>	<p>Yes, the supervisor may:</p> <p>Provide non-driving accommodation within the home department;</p> <p>Reassign to a position that does not involve driving</p> <p>Leave of absence without pay.</p>	<p>Yes, the supervisor may:</p> <p>Reassign the individual to a position that does not require driving;</p> <p>Provide non-driving accommodation within the position;</p> <p>Remove the driving requirement from the job description</p> <p>Place the individual on unpaid leave until the individual obtains his or her driving certification.</p>
<i>Can the Supervisor terminate employment individual’s driver certification is suspended?</i>	Yes.	Yes, if a valid driver’s license “is an essential requirement of the position.”

281 **Chart 5. Reinstating Driver Certification – Comparison.**

	<b>Current Law</b>	<b>Proposed Law</b>
<i>Reinstatement of Driver Certification</i>	<ul style="list-style-type: none"> <li>▪ Automatically reinstated if the suspension was thirty (30) days or less;</li> <li>▪ If the suspension was thirty-one (31) days or more; HRD shall verify insurance and check the driving record to ensure that driver meets eligibility requirements, including no drug or alcohol convictions within three (3) years.</li> </ul>	<p>Upon review of HRD that individual’s Driver’s license has been reinstated and that the driver meets original qualifications for certification, including:</p> <ul style="list-style-type: none"> <li>▪ No OWI, DUI or PAC violation within past 12 months;</li> <li>▪ Less than three (3) moving violations or at fault accidents within the past two (2) years</li> <li>▪ All other training and insurance requirements.</li> </ul>
<i>Failure to Reinstate Driver Certification Appealable?</i>	Yes, any official, volunteer or employee may seek review of a decision not to reinstate certification by filing an appeal with the Judiciary.	No, failure to reinstate driver certification is not appealable.

282  
283 **N. Minor Drafting Changes.** Additional minor drafting changes have been made throughout the law for  
284 clarity.  
285

286 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

287 **A. References to the Other Laws of the Nation:** The following laws of the Nation are referenced in this  
288 law.

- 289 ▪ *Personnel Policies and Procedures.* “In addition to the suspension of driver certification, a  
290 supervisor may take disciplinary action against an individual in accordance with the Nation’s laws  
291 and policies governing employment if an employee...” [2 O.C. 210.8-7].
- 292 ▪ *Travel and Expense Policy.* “A vehicle shall be rented in accordance with the Nation’s laws and  
293 policies governing travel. Every vehicle rented shall include the purchase of the maximum  
294 collision damage waiver offered by the rental company” [2 O.C 210.6-9(a)].
  - 295 ○ *Conflict.* The Travel and Expense Policy states that “insurance on all car rentals is  
296 covered by the Oneida Tribe’s insurance policy.” However, this does not reflect current  
297 practice. In addition, the Travel and Expense Policy conflicts with both the current  
298 Vehicle Driver Certification law and the proposed amendments, which both require the  
299 purchase of maximum collision damage waiver from the rental company, as this is more  
300 cost effective for the Nation.
  - 301 ○ *Recommendation:* The LOC and LRO should note the discrepancy in the Travel and  
302 Expense Policy and identify that section of the Travel and Expense Policy as an area for  
303 future amendments.

304 **B. Other Laws that Reference Vehicle Driver Certification:** The following laws of the Nation reference  
305 Vehicle Driver Certification and Fleet Management. These amendments do not conflict with any of the  
306 referenced laws.

- 307     ▪ *Drug and Alcohol Free Workplace.* This law applies to all applicants for employment, whether  
308 external or internal, and all employees during working hours, when on-call, and when operating a  
309 vehicle owned by the Nation or a vehicle rented by the Nation. An employee is prohibited from  
310 the use of prohibited drugs and alcohol during working hours, when on-call, and when operating  
311 a vehicle owned by the Nation or a vehicle rented by the Nation [2 O.C. 202.4-1 and 4-2].
- 312     ▪ *Clean Air Policy.* “Except as provided in 411.4-1(b)(1) and 411.4-2, no person may smoke... in  
313 any vehicle owned or operated by the Tribe” [4 O.C. 411.4-1(c)].

314

## 315 **SECTION 7. ENFORCEMENT AND ACCOUNTABILITY**

316 **A. Enforcement.** This law is enforced in the following ways:

- 317     ▪ *Suspension of Driver Certification.* A supervisor shall suspend an individual’s driver certification  
318 if the individual’s driver’s license is suspended or revoked by the State or becomes invalid for any  
319 other reason [2 O.C. 210.8-2].
- 320     ▪ *Disciplinary Action.* In addition to the suspension of a driver certification, a supervisor may take  
321 disciplinary action against an individual in accordance with the Personnel Policies and Procedures  
322 [2 O.C. 210.8-7].

323

## 324 **SECTION 8. OTHER CONSIDERATIONS**

325 **A. Vehicle Driver & Fleet Management Data.** The following data is provided for information:

- 326     ▪ **Number of Driver Certification Suspensions:**
  - 327         ○ 2017: 3
  - 328         ○ 2018: 13
  - 329         ○ 2019: 6
- 330     ▪ **Number of Employees Separated from Employment Due to Loss of Driver Certification:**
  - 331         ○ 2019: 2
- 332     ▪ **Number of Job Applicants Screened Out Due to OWI or Driving Convictions:**
  - 333         ○ HRD does not currently track this information. However, between July and November of  
334 2019, at least five (5) applicants were screened out for not meeting driver certification  
335 requirements.  
336 *Source: Email communications with HRD, 11/5/19.*
- 337     ▪ **Number of Fleet Vehicles**
  - 338         ○ The Nation currently owns 209 fleet vehicles. 200 of these vehicles are permanently  
339 assigned to a department of the Nation.  
340 *Source: Email communication with Fleet Management, 10/29/19.*

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**Chart 6. Vehicle Incidents Involving Nation-owned Vehicles**

Fiscal Year	# of Incidents	# of Incidents At Fault
2009	11	8
2010	21	13
2011	25	16
2012	7	5
2013	19	13
2014	19	12
2015	12	10
2016	16	15
2017	10	8
2018	20	15

348

*Source: Email communication w/Risk Management, 10/29/19.*

349

**B. Grandfather Clause for Drivers with Three or More Moving Violations or At-Fault Accidents within**

351 **Past Two Years.** Under the current law and HRD’s present interpretation, HRD only checks vehicle  
352 driver records for drug and alcohol related citations and to ensure valid driver’s license. Once these  
353 amendments are passed, HRD will now check whether drivers had three (3) or more moving violations  
354 or at-fault accidents within the past two (2) years.

355     ▪ *Need for Grandfather Clause.* Because HRD has not previously checked for moving violations,  
356 there may employees who are currently certified with three (3) or more accidents on their record  
357 in the past two (2) years. Since these employees were certified under the previous law, the LOC  
358 should consider adding a grandfather clause in the adopting resolution to ensure that these  
359 employees do not lose their driver certification upon adoption of this law.

360     ▪ *Conclusion.* The LOC intends to add a grandfather clause for current certified drivers that have  
361 had three (3) or more moving violations or at-fault accidents within the past two (2) years. It is  
362 expected that this grandfather clause will state that new restrictions on moving violations shall  
363 apply only to new applicants, new hires, or job transfers that occur after the adoption date of  
364 this law.

365 **C. Certification of Drivers Previously Disqualified for OWI in the Last Three (3) Years.** Under the  
366 current law, applicants or employees who have had a drug or alcohol citation within the past three (3)  
367 years, such as an OWI, cannot become certified drivers for the Nation. Upon passage of this law, this  
368 restriction will be lowered to twelve (12) months. Therefore, there may be current employees of the  
369 Nation who will become eligible for driver certification upon adoption of this law. For example, an  
370 employee who had an OWI two years ago who is now working under a reasonable accommodation that  
371 doesn’t involve driving.

372     ▪ *Recommendation.* Upon adoption of this law, HRD may want to communicate this information  
373 to supervisors and/or impacted employees so that they are aware that they may now be eligible  
374 for driver certification.

375 **D. Training Upon Adoption of Amendments.** Upon the adoption of these amendments, HRD should offer  
376 updated training to supervisors and employees of the Nation on the new provisions of this law.

377     ▪ *Conclusion.* The LOC intends to direct HRD to offer an updated training to employees of the  
378 Nation on the new provisions of this law. This directive will be included in the adopting  
379 resolution of these amendments. The LOC will consult with HRD to determine a reasonable  
380 timeframe for HRD to develop and offer this training. During the LOC meeting on December

381 4, 2019, a representative of HRD Training and Development recommended allowing at least  
382 180 days for HRD to develop the training on the new amendments.

383  
384 **E. Impact of Driving Record Check on Currently Certified Drivers.** In order to become a newly certified  
385 driver, a driver must not have had an OWI within the past twelve (12) months and not had three (3) or  
386 more moving violations or at-fault accidents within the past two (2) years. However, an individual who  
387 has become certified can only have their driver certification suspended if they lose their valid Wisconsin  
388 driver’s license.

- 389 ■ *Example Scenario.* In other words, an individual can be hired with a clean driving record,  
390 receive driver certification from the Nation, then have three (3) or more moving violations  
391 within a 2-year period during their employment, but still keep their driver certification because  
392 they never lost their valid driver’s license as a result of the moving violations. However, if that  
393 same individual were to leave their employment with the Nation and later apply for another  
394 position in the organization, that individual could not become a certified driver, because they  
395 are now applying as a new driver and must pass the driving record check.

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**Chart 7. Driving Record Requirement Comparison**

<b>Scenario</b>	<b>Driving Record Requirements</b>	<b>Outcome</b>
<i>New employee or transfer (New Certification)</i>	Valid Driver’s license; No OWIs in the past 12 months, Not have three or more moving violations within the past 2 years	Three moving violations in 2 year period or an OWI in the past 12 months results in denial of driver certification.
<i>Current employee who is already a certified driver for the Nation (Maintain Certification)</i>	Valid Driver’s license. <i>*Only lose certification if driver’s license suspended or revoked by state of WI.</i>	Three moving violations in a 2 year period <u>does not</u> result in loss of driver certification unless the employee’s driver’s license was revoked or suspended.
<i>Employee who lost certification due to suspended driver’s license and applies to be recertified after getting their license back (Re-Certification)</i>	Valid Driver’s license; No OWIs in the past 12 months; Not have 3 or more moving violations in the past 2 years	Three moving violations in 2 year period or an OWI in the past 12 months results in denial of driver certification.

- 398  
399 ■ *Recommendation.* While this discrepancy is not necessarily problematic, it may cause  
400 confusion for current employees and supervisors who receive three (3) or more traffic citations  
401 after they have become a certified driver for the nation. HRD and supervisors should be aware  
402 that a current employee can only lose their driver certification if they lose their WI driver’s  
403 license – regardless of the number of moving violations on their record since becoming  
404 certified.

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407 **F. Number of Job Descriptions Requiring Drivers License.** During the development of these  
408 amendments, the LOC expressed interest in learning how many of the Nation’s job descriptions require  
409 employees to hold a valid driver’s license as a condition of their employment. The LOC was interested  
410 to know if there may be positions where an employee rarely drives on official business, but their job  
411 description still requires a valid driver’s license to maintain employment.

412       ▪ *Data:* HRD estimated that roughly 700 out of 950 program/non-divisional positions require a  
413 driver’s license. Data for gaming positions was not available at the time this analysis was  
414 drafted.

415       ▪ *Recommendation:* During a work meeting, the LOC encouraged HRD to review job  
416 descriptions and determine whether it is necessary for certain jobs to require a driver’s license.  
417 If the LOC wishes to formalize this request to HRD, the LOC could send a memo or include in  
418 the adopting resolution for this law a timeline or forum for where this information should be  
419 brought back (such as HRD’s quarterly report).

420 **G. Fiscal Impact.** A fiscal impact statement has not yet been requested.

421       ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except  
422 emergency legislation [*1 O.C. 109.6-1*].

423       ▪ A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating  
424 Committee and may be prepared by any agency who may receive funding if the legislation is  
425 enacted; who may administer a program if the legislation is enacted; who may have financial  
426 information concerning the subject matter of the legislation; or by the Finance Office, upon request  
427 of the Legislative Operating Committee [*1 O.C. 109.6-1(a and b)*].

428



**Title 2. Employment - Chapter 210**

Lotí'sles Kayanl'sla Khale? Nya?teka?sléhtake Lonatlíhute? Kayanl'sla they're driving law and a variety of vehicles the responsibility is attached to them

**VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT**

210.1. Purpose and Policy  
 210.2. Adoption, Amendment, Repeal  
 210.3. Definitions  
 210.4. Tribal Department Responsibilities  
 210.5. Driver Responsibilities  
 210.6. Tribal Vehicle Usage  
 210.7. Rental Vehicles  
 210.8. Driver Certification  
 210.9. Motor Vehicle Crashes, Damage Involving Tribal Vehicles

210.10. Suspension and Revocation of Certification; Disciplinary Action  
 210.11. Reinstatement of Certification  
 210.1. Purpose and Policy  
 210.2. Adoption, Amendment, Repeal  
 210.3. Definitions  
 210.4. Driver Certification  
 210.5. Responsibilities of a Certified Driver  
 210.6. Fleet Vehicles  
 210.7. Motor Vehicle Crashes or Damage to Vehicles  
 210.8. Suspension of Driver Certification and Other Enforcement

**210.1. Purpose and Policy**

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

(~~a~~) establish standards that certify employees, elected and appointed officials, and volunteers to drive a Tribal fleet vehicle or ~~drive a~~ personal vehicle on Tribal official 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~~2~~, and amended by resolution BC- - - - -.

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~~)(a) "Area manager" means an employee's supervisor's supervisor; or, an individual designated to be the area manager by a General Manager position.

33 (b) “Business day” means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding  
 34 the Nation’s holidays.

35 ~~(b) “Business miles” means miles driven in a vehicle by an individual in order to conduct~~  
 36 ~~Tribal business.~~

37 ~~(c) “Certification” or “certified” means that a driver meets the requirements established by~~  
 38 ~~this law and is authorized to operate a Tribal vehicle and/or a personal vehicle on Tribal~~  
 39 ~~business.~~

40 ~~(d) “Driver” means any employee, official and/or volunteer who is certified to operate a~~  
 41 ~~Tribal vehicle, or to drive a personal vehicle on Tribal business.~~

42 ~~(e) “Driver’s abstract” means a driver’s official driving record, which includes, but is not~~  
 43 ~~limited to, any restrictions or limitations that may be imposed on the driver’s driving~~  
 44 ~~privileges.~~

45 ~~(f) “Employee” means an individual who is employed by the Nation and is subject to the~~  
 46 ~~direction and control, but does not include elected or appointed officials, or employees of~~  
 47 ~~a chartered corporation of the Nation with respect to the material details of the work~~  
 48 ~~performed, or who has the status of an employee under the usual common law rules~~  
 49 ~~applicable to determining the employer-employee relationship. “Employee” includes, but~~  
 50 ~~is not limited to, an individual employed by any program or enterprise of the Nation, and~~  
 51 ~~political appointees.~~

52 ~~(g)~~d) “Entity” means a department, enterprise, program, board, committee or commission  
 53 of the Nation.

54 (e) “Employee Assistance Program” means a professional counseling program staffed by  
 55 clinical social workers licensed by the State of Wisconsin which offers services to the  
 56 Nation’s employees and family members.

57 (f) “Fleet vehicle” means a vehicle owned or leased by the Nation.

58 (g) “Moving violation” means any violation of motor vehicle or traffic law that is  
 59 committed by the driver of a vehicle while the vehicle is moving. A moving violation does  
 60 not include parking violations, equipment violations, or paperwork violations relating to  
 61 insurance, registration or inspection.

62 (h) “Nation” means the Oneida Nation.

63 ~~(i) “Non-business miles” means miles driven in a Tribal vehicle that are not business-~~  
 64 ~~related, including commuting.~~

65 ~~(j) “Official” means anyone who is serving on the Oneida Business Committee or the~~  
 66 ~~Oneida Judiciary, and any other person who is elected or appointed to a board, committee~~  
 67 ~~or commission created by the Oneida Business Committee or Oneida General Tribal~~  
 68 ~~Council.~~

69 ~~(k)~~(i) “Prohibited drug” means marijuana, cocaine, opiates, amphetamines, phencyclidine  
 70 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances  
 71 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
 72 States Code. Prohibited drugs also includes prescription medication or over-the-counter  
 73 medicine when used in an unauthorized or unlawful manner.

74 (j) “Supervisor” means the direct supervisor of an employee. ~~Provided that, for~~For  
 75 volunteers, ~~elected or appointed~~ officials ~~and, or~~ employees without a direct supervisor, it  
 76 means the Human Resources Department or any party who has been designated by the  
 77 Human Resources Department as responsible for performing a supervisor’s responsibilities  
 78 under this law.

79 ~~(l) “Tribal” or “Tribe” means the Oneida Nation.~~

80 ~~(m)~~(k) “Weapon” means a firearm, knife, electric weapon, club, or any other object  
 81 intended to cause harm to oneself or others.

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#### **210.4. Driver Certification**

210.4-1. An individual shall obtain driver certification from the Human Resources Department before operating a fleet vehicle” means a or personal vehicle owned or leased on official business.

210.4-2. Qualifications for Certification. In order to receive driver certification a person shall:

(a) Be eighteen (18) years of age or older;

(b) Hold a valid Wisconsin driver’s license;

(1) A person who holds a valid driver’s license from a state other than Wisconsin shall have thirty (30) days after his or her first day of employment or service to obtain a Wisconsin driver’s license.

(c) Have a driving record that does not reflect any of the following conditions:

(1) Three (3) or more moving violations and/or at-fault motor vehicle crashes in the past two (2) years; and/or

(2) An operating while intoxicated (OWI), driving under the influence (DUI), or prohibited alcohol concentration (PAC) citation within the last twelve (12) months.

(d) Complete all driver training requirements imposed by the Nation; or any federal or state agency regulations;

~~(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.~~

(e) Satisfy any other requirements specific to the job description and/or vehicle that may be used by or assigned to the person; and

(f) Maintain one (1) of the following minimum insurance requirements for a personal vehicle if the individual may use his or her personal vehicle to conduct official business:

(1) the individual’s insurance covers:

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

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

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

(2) the individual’s insurance covers two hundred and fifty thousand dollars (\$250,000) combined single limit.

210.4-3. The Nation’s Human Resources

#### **210.4. Tribal Department Responsibilities**

~~210.4-1. Department of Public Works. The shall be responsible for determining whether an individual meets all the qualifications before approving or denying a driver certification.~~

~~(a) An individual shall provide his or her appropriate license, training certification, and insurance information to the Human Resources Department of Public Works.~~

~~(b) The Human Resources Department shall have the authority to check the driving record of an individual at any time.~~

~~(c) The Human Resources Department shall maintain a current list of all certified drivers and provide the list to Fleet Management, Risk Management, and Automotive Departments Central Accounting on a regular basis.~~

210.4-4. A supervisor shall ensure that an individual has received his or her driver certification from the Human Resources Department before allowing the individual to drive a fleet vehicle or a personal vehicle on official business.

129 **210.assist5. Responsibilities of a Certified Driver**

130 210.5-1. General Responsibilities. While operating a fleet vehicle or a personal vehicle on official  
 131 business, an individual shall:

132 (a) Abide by all traffic laws;

133 (b) Wear a seat belt and require any passengers to wear a seat belt at all times;

134 (c) Not drive while under the influence of prohibited drugs and/or alcohol;

135 (d) Not drive if impaired by a medical or physical condition or other factor that affects a  
 136 driver's motor skills, reaction time, or concentration;

137 (e) Not carry a weapon, whether in the open or concealed;

138 (1) Exemption. An individual who is carrying a weapon in the course of performing  
 139 his or her official duties, or is participating in cultural activities or ceremonies is  
 140 exempt from this requirement.

141 (f) Not transport prohibited drugs and/or alcohol;

142 (1) Exemption. An employee of the Nation who is transporting prohibited drugs  
 143 and/or alcohol in the course of performing his or her job duties is exempt from this  
 144 requirement.

145 (g) Not deliver goods or services for personal gain, or operate private pools where the  
 146 riders pay the driver; and

147 (h) Not use electronic devices in an unlawful manner.

148 210.5-2. Training Responsibilities. An individual with ~~the implementation~~ driver certification  
 149 shall complete the driver safety training provided and monitored by the Human Resources  
 150 Department every three (3) years.

151 (a) Exemption. An individual who is required to maintain compliance with any specialized  
 152 driver safety training requirements imposed by state or federal regulatory agencies shall be  
 153 exempt from the requirement to complete the driver safety training provided by the Human  
 154 Resources Department.

155 210.5-3. Fleet Vehicle Responsibilities. When operating a fleet vehicle, an individual shall:

156 (a) Complete a vehicle mileage log;

157 (b) Not transport unauthorized passengers;

158 (c) Notify the Fleet Management Department immediately of any problems with a fleet  
 159 vehicle that may be a safety or mechanical hazard, or of any incidents that result in the  
 160 inability of a fleet vehicle to complete a trip;

161 (d) Be personally responsible for all traffic citation costs, parking ticket costs, or any  
 162 similar expense related to vehicle use;

163 (e) Use Oneida Retail locations for fueling fleet vehicles, unless the fleet vehicle needs  
 164 fuel before it can be taken to an Oneida Retail location;

165 (f) Not smoke or use electronic smoking devices or permit others to smoke or use  
 166 electronic smoking devices in the fleet vehicle; and

167 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.

168 210.5-4. Personal Vehicle Responsibilities. When operating a personal vehicle on official  
 169 business, an individual shall:

170 (a) Obtain permission from his or her supervisor to operate a personal vehicle on official  
 171 business; and

172 (b) Submit all required documents for mileage reimbursement, if seeking reimbursement  
 173 for miles driven while conducting official business, within thirty (30) days of driving the  
 174 miles or by the end of the current fiscal year, whichever is sooner.

175 (1) Not seeking mileage reimbursement does not exempt an individual from the  
 176 provisions of this law.

177 210.5-5. Notification Requirements. An individual shall notify his or her supervisor if he or she:

178 (a) Has his or her driver's license suspended or revoked by the State, or has his or her  
 179 driver's license become invalid for any other reason;

180 (b) Meets any of the conditions for disciplinary action as provided in section 210.8-7;  
 181 and/or

182 (c) Has any impairment by a medical or physical condition or other factor that affects his  
 183 or her motor skills, reaction time, or concentration.

## 185 210.64-2. Fleet Vehicles

186 210.6-1. Fleet Management- Department. The Nation's Fleet Management Department shall:

187 (a) Purchase purchase, manage, and monitor the use of Tribal vehicles; the Nation's fleet vehicles.  
 188 The Fleet Management Department's responsibilities shall include, but are not limited to:

189 (a) Maintain a list of all fleet vehicles that are available for use, including the removal of  
 190 vehicles permanently assigned to specific entities of the Nation;

191 (b) Remove unsafe vehicles from the fleet;

192 (b)c) Obtain estimates of and schedule Tribal fleet vehicle repairs when necessary;

193 (c) Participate in motor vehicle crash investigations;

194 (d) Participate in situations requiring approval of driver certifications;

195 (e) (d) Install or remove global positioning system monitors on Tribal equipment on fleet  
 196 vehicles;

197 (e) Ensure the Nation's logo is on all fleet vehicles; and

198 (f) Ensure that all Tribal fleet vehicles are equipped with a mileage log and an auto incident  
 199 kit which contains forms and instructions for reporting any incident; and.

200 (g) Maintain a list of all fleet vehicles that are available for use by drivers; including  
 201 vehicles permanently assigned to specific departments.

202 210.4-3-6-2. Automotive Department. The Automotive Department shall service and maintain  
 203 Tribal fleet vehicles according to factory recommendations, or the maintenance schedule  
 204 established by the Automotive Department, whichever is stricter. Any vehicle deemed unsafe by  
 205 the Automotive Department shall be reported to the Fleet Management Department.

206 210.4-46-3. Risk Management- Department. The Risk Management shall:

207 (a) Secure Department shall be responsible for securing and maintain maintaining insurance  
 208 coverage for all Tribal fleet vehicles; or may designate another party to do so; Additional  
 209 responsibilities of the Risk Management Department shall include, but is not limited to:

210 (b) Provide (a) Providing auto insurance identification cards in every Tribal fleet vehicle;

211 (c) Process (b) Processing all submitted vehicle claims and related information; and

212 (d) Submit (c) Submitting claims to the insurance company;

213 (e) Participate in motor vehicle crash investigations; and

214 (f) Participate in situations requiring approval of certifications. 210.6-4. Use of a Fleet Vehicle. A  
 215 fleet vehicle may be permanently assigned to an entity for use or requested for use on a temporary  
 216 basis. A fleet vehicle shall be used for conducting official business of the Nation. When used for  
 217 travel purposes, a fleet vehicle may also be used for incidental purposes such as travel to and from  
 218 lodging and/or meal sites.

219 (a) Prohibited Use of a Fleet Vehicles. A fleet vehicle shall not be used for any of the  
 220 following purposes:

221 (1) Personal use for non-business purposes;

222 (2) Towing cargo for personal reasons;

223 (3) Hauling loads that could structurally damage the vehicle; and/or

224 (4) Jump starting vehicles, other than fleet vehicles.

225 210.6-5. Permanently Assigned Fleet Vehicles. The Fleet Management Department may  
 226 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as  
 227 established by the Fleet Management Department.

228 (a) Exception to Minimum Mileage Criteria. The Fleet Management Department may  
 229 grant an entity an exception to the minimum mileage criteria.

230 (b) An entity who is permanently assigned a fleet vehicle shall regularly schedule  
 231 maintenance work and safety checks with the Automotive Department.

232 (c) An entity that is permanently assigned a fleet vehicle is responsible for ensuring that  
 233 any individual who drives the vehicle has his or her driver certification.

234 210.6-6. Temporary Use

235 ~~210.4 5. Human Resources Department.~~ The Human Resources Department shall:

236 (a) ~~Maintain a current list of drivers and provide the list to Fleet Management and the~~  
 237 ~~Central Accounting Department on a regular basis;~~

238 (b) ~~Perform driving record checks and approve or deny certification based on the review~~  
 239 ~~of an individual's driving record; and notify the appropriate parties immediately of~~  
 240 ~~ineligibility in writing;~~

241 (c) ~~Notify supervisors immediately of~~

242 (1) ~~the certification status of his or her employees or volunteers; and~~

243 (2) ~~of any cancelation or lapse in a personal vehicle driver's insurance coverage.~~

244 (d) ~~Assist supervisors with the administration of suspensions and/or revocations of~~  
 245 ~~certification;~~

246 (e) ~~Request and maintain records of proof of insurance on personal vehicles driven on~~  
 247 ~~Tribal business;~~

248 (f) ~~Participate in motor vehicle crash investigations;~~

249 (g) ~~Maintain documentation of all required driver training and regulatory compliance;~~

250 (h) ~~Perform, or delegate to another person to perform, the supervisory responsibilities~~  
 251 ~~identified in this law, for drivers who do not have a supervisor.~~

252 ~~210.4 6. Environmental Health & Safety Division.~~ The Environmental Health & Safety Division  
 253 shall ~~provide driver safety training as included herein, and provide the Human Resources~~  
 254 ~~Department with the names of drivers who have completed training after each training session.~~

255 ~~210.4 7. Supervisors.~~ For drivers who do not have a supervisor, the Human Resources Department  
 256 shall ~~either assume the supervisor's responsibilities, or shall delegate those responsibilities to~~  
 257 ~~another person.~~ Fleet Vehicle. An individual in an entity. Supervisors of drivers shall:

258 (a) ~~Ensure those drivers who report to them are certified before allowing those employees~~  
 259 ~~to drive a Tribal vehicle or a personal vehicle on Tribal business.~~

260 (b) ~~Ensure drivers have the appropriate license, training certification(s), and insurance~~  
 261 ~~information on file with the Human Resources Department.~~

262 (c) ~~Ensure all motor vehicle crashes and damages are reported in accordance with this law.~~

263 (d) ~~Ensure that all Tribal vehicle mileage is recorded and submitted to Fleet Management~~  
 264 ~~in accordance with requirements established by Fleet Management.~~

265 (e) ~~Approve expense reports submitted for personal vehicle mileage reimbursement.~~

266 (f) ~~Promptly take appropriate action to investigate:~~

267 (1) ~~all infractions of this law of which they become aware, including but not limited~~  
 268 ~~to, allegations of alcohol or drug use while using a Tribal vehicle or personal~~ not  
 269 permanently assigned a fleet vehicle for Tribal business.

270 (2) ~~allegations of a history of unsafe driving, regardless of whether or not the~~  
 271 ~~employee has ever been charged with an offense.~~

272 (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 fleet vehicle to conduct Tribal for the purpose of conducting official business by submitting a request to the Fleet Management. Whenever possible, such requests shall be made at least one (1) week in advance. Department.~~

~~(a) Requests for the use of a fleet vehicle shall be made at least one (1) week in advance, unless urgent circumstances arise.~~

~~(b) Before determining whether a fleet vehicle is available, or approving the use of a fleet vehicle, the Fleet Management Department shall confirm that:~~

~~(1) The individual requesting the fleet vehicle has his or her driver certification;~~

~~(2) The individual has authorization to use the fleet vehicle from his or her supervisor, if an employee, or by the individual's entity, if the individual is an elected or appointed official of the Nation or volunteer; and~~

322 (3) Any passengers are authorized to travel in a fleet vehicle.

323 (c) The Fleet Management Department may combine vehicle use for travel to the same  
324 destination.

325 (d) The Fleet Management Department may cancel reservations that are not fulfilled in a  
326 timely manner ~~and may combine vehicle use for travel to the same destination.~~

327 ~~(b) Before determining whether a Tribal vehicle is available or approving the use of a~~  
328 ~~Tribal vehicle, Fleet Management shall confirm that:~~

329 ~~(1) the driver is certified.~~

330 ~~(2) the driver has written consent to use a Tribal vehicle; provided by the driver's~~  
331 ~~supervisor, if the driver is an employee; or by the driver's entity, if the driver is an~~  
332 ~~official or volunteer.~~

333 ~~(3) any passengers are authorized to travel in a Tribal vehicle, in accordance with~~  
334 ~~210.6-3.~~

335 ~~(c) Before approving the use of a permanently assigned Tribal vehicle by any driver; the~~  
336 ~~department shall be responsible for confirming that the requirements of (b) are met.~~

337 ~~210.6-2.7. Authorized Passengers. In order to have a Tribal vehicle permanently assigned to an~~  
338 ~~entity, the entity shall drive a minimum number of miles annually, as determined by Fleet~~  
339 ~~Management. Exceptions to the mileage criteria may be granted upon request by an entity and~~  
340 ~~with written approval from Fleet Management.~~

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

343 ~~210.6-3. The following individuals may travel in a Tribal vehicle:~~

344 ~~(a) Employees;~~ addition to the employees, elected or appointed officials, or volunteers who are ~~on~~  
345 ~~Tribal business;~~ authorized to use a fleet vehicle, the following individuals shall be authorized to  
346 be a passenger in a fleet vehicle:

347 ~~(b)~~ a Individuals being transported as part of a program or service of the Nation; ~~;~~

348 ~~(e)~~ b Individuals being transported during the normal and ordinary course of representing  
349 and/or conducting business on behalf of the Nation; and or

350 ~~(d) Individuals~~ (c) Any other individual who ~~are~~ is authorized, ~~by Oneida Business~~  
351 ~~Committee motion, to travel in a Tribal vehicle. The Oneida Business Committee may~~  
352 ~~request input from~~ be a passenger by the Fleet Management ~~before making a determination~~  
353 ~~on these requests~~ Department.

354 ~~210.6-4. When a driver uses a Tribal vehicle, he or she shall:~~

355 ~~(a) Complete a vehicle mileage log. Vehicle mileage logs shall be provided in each Tribal~~  
356 ~~vehicle.~~

357 ~~(b) Notify Fleet Management immediately of any problem(s) with a Tribal vehicle that may~~  
358 ~~be a safety or mechanical hazard, or of any incidents that result in the inability of a Tribal~~  
359 ~~vehicle to complete a trip.~~

360 ~~(c) Be personally responsible for all traffic citation costs, parking ticket costs or any similar~~  
361 ~~expense related to vehicle use.~~

362 ~~(d) Use Oneida One Stops for fueling Tribal vehicles, unless the Tribal vehicle needs fuel~~  
363 ~~before it can be taken to an Oneida One Stop.~~

364 ~~(e) Not smoke, and not permit others to smoke, in the Tribal vehicle.~~

365 ~~(f) Ensure the interior of the vehicle is kept in good condition, clean and free of debris.~~

366 ~~210.6-5. Tribal vehicles shall be used for business miles. When away from the work site, a Tribal~~  
367 ~~vehicle may also be used for incidental purposes, such as travel to and from lodging and meal sites.~~  
368 ~~Tribal vehicles shall not be used for any of the following:~~

369 ~~(a) Personal use or non-business miles, except as authorized under the Business Committee~~  
370 ~~Vehicle Policy.~~



371 ~~(b) Vacation.~~

372 ~~(c) Towing cargo for personal reasons.~~

373 ~~(d) Hauling loads that could structurally damage the vehicle.~~

374 ~~(e) Delivering goods or services for personal gain, or operating private pools where the~~  
375 ~~riders pay the driver.~~

376 ~~(f) Transporting hitchhikers.~~

377 ~~(g) Jump starting vehicles, other than Tribal vehicles.~~

378 ~~210.6-6. Tribal logos shall be placed on all Tribal vehicles.~~

379 ~~210.6-7. Additional Equipment, 210.6-8. Modifications.~~

380 ~~(a) to Fleet Vehicles.~~ Modifications to Tribalfleet vehicles for personal reasons are not permitted.

381 Modifications to Tribalfleet vehicles for operating purposes may be allowed only with the approval  
382 of the Fleet Management- Department.

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

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

388 ~~(e)(a)~~ Radar detection devices shall not be installed or used in Tribalfleet vehicles.

### 390 **210.7. Rental Vehicles**

391 ~~210.7-1. Rental vehicles are considered Tribal vehicles for the purpose of this law. All provisions~~  
392 ~~of this law apply to rental vehicle usage. Vehicles~~ 210.6-9. Rental Vehicles. An individual shall  
393 have his or her driver certification before using a rental vehicle to conduct official business. An  
394 individual shall operate the rental vehicle with the same responsibilities and restrictions as a fleet  
395 vehicle.

396 (a) A vehicle shall be rented in accordance with the Oneida Travel and Expense Policy Nation's  
397 laws and ~~drivers of rental vehicles shall be certified in accordance with this law.~~

398 210.7-2. policies governing travel. Every vehicle ~~rental~~ rented shall include the purchase of  
399 the maximum collision damage waiver offered by the rental ~~companies~~ company.

### 401 **210.8. Driver Certification**

402 ~~210.8-1. Certification.~~ All persons shall be certified before operating a Tribal vehicle or personal  
403 ~~vehicle on Tribal business. In order to be certified, an individual shall:~~

404 ~~(a) Be eighteen (18) years of age or older.~~

405 ~~(b) Satisfy any additional experience requirements established by law or by rules~~  
406 ~~promulgated by the Human Resources Department, that apply for the vehicle being~~  
407 ~~assigned or used.~~

408 ~~(c) Hold a valid, non probationary Wisconsin driver's license and provide proof of such~~  
409 ~~license, including any commercial endorsement(s), to the Human Resources Department~~  
410 ~~within thirty (30) days after his or her start of employment or time of election, appointment~~  
411 ~~or volunteer service.~~

412 ~~(1) Drivers with commercial driver's licenses may be restricted to only operating~~  
413 ~~Tribal vehicles within the state of Wisconsin.~~

414 ~~(2) An occupational license is a valid, non probationary driver's license if the~~  
415 ~~driver's abstract which accompanies the occupational license allows the driver to~~  
416 ~~operate vehicles for his or her job with the Nation.~~

417 ~~(3) Individuals with a driver's license from a state other than Wisconsin shall obtain~~  
418 ~~a Wisconsin driver's license within thirty (30) days after their first day of actual~~  
419 ~~employment or service and provide a copy to the Human Resources Department.~~

420 ~~(d) Pass a driving record check by the Human Resources Department to verify the driver~~  
 421 ~~has a valid, non-probationary driver's license as identified in (c); and to verify the driver~~  
 422 ~~has no citation or conviction related to a traffic incident, and no driving citation or~~  
 423 ~~conviction involving drugs or alcohol, within the time period(s) that would make the driver~~  
 424 ~~ineligible for certification under this law.~~

425 ~~(1) The individual shall have his or her driving record checked by the Human~~  
 426 ~~Resources Department prior to his or her hire date or start date.~~

427 ~~(A) State Department of Motor Vehicle reports shall be used to determine~~  
 428 ~~whether an individual passes the driving record check.~~

429 ~~(B) An individual with a driver's license from a state other than Wisconsin~~  
 430 ~~shall have his or her driving record checked based on that state's license.~~

431 ~~(2) The Nation reserves the right to check driving records of a driver at any time.~~  
 432 ~~All drivers shall authorize the Human Resources Department to check his or her~~  
 433 ~~driving record.~~

434 ~~(3) The Nation reserves the right to allow insurance carriers or agents to check~~  
 435 ~~driving records at any time. This review shall be deemed to be a review by the~~  
 436 ~~Nation.~~

437 ~~(e) Complete all driver training requirements imposed by the Nation, an individual entity,~~  
 438 ~~or by any federal or state agency regulations.~~

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

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

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

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

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

451 ~~210.8 2. Additional Requirements for Personal Vehicle Drivers. In addition to the requirements~~  
 452 ~~listed in 210.8 1, the following also apply for drivers of personal vehicles on Tribal business.~~

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

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

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

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

462 ~~—— (C) twenty five thousand dollars (\$25,000) property damage.~~

463 ~~(2). A driver shall immediately notify the Human Resources Department of any~~  
 464 ~~cancellation or lapse in his or her insurance coverage. No driver may drive a~~  
 465 ~~personal vehicle on Tribal business during the time he or she does not have the~~  
 466 ~~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; or Damage Involving Tribal to 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 fleet vehicle or personal vehicle driven on official business, an individual shall be subject to the following reporting requirements; provided that, if a driver an individual 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) death of a person;~~

(2) 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 attention;~~

~~(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 ~~;~~ and

(c) provide the Fleet Management Department and Risk Management Department with a completed auto 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.~~

~~210.9-4.7-2. Internal Review. Whenever necessary, The~~ Fleet Management Department and Risk Management Department shall coordinate and conduct an internal ~~reviews~~review of the auto incident report for a motor vehicle crash and/or damage to a vehicle ~~crashes involving Tribal vehicles. Internal reviews may include other personnel as deemed appropriate by~~.

(a) 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) may~~ recommend whether ~~a driver's certification~~ an individual should be ~~suspended~~ subject to disciplinary action based on the motor vehicle crash or incident resulting in damage to a vehicle.

~~(b) Internal reviews~~ The internal review shall be completed as soon as practicable possible 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, the driver's supervisor, and the driver's ~~supervisor~~ area manager; and

(2) ~~retained by~~ provided to the Human Resources Department if the Fleet Management Department and Risk Management Department recommend disciplinary action.

## 210.8 for a minimum. Suspension of Driver Certification and Other Enforcement

~~210.8-1. three~~ (Suspension of driver certification is the suspension of an individual's ability to drive a fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of driver certification is non-appealable.

210.8-2. Qualifications for Suspension. A supervisor shall suspend an individual's driver certification if the individual's driver's license is suspended or revoked by the State or becomes invalid for any other reason.

(a) A supervisor shall, when necessary, refer drivers to the Employee Assistance Program in accordance with applicable laws and policies of the Nation.

~~210.8-3) years.~~ Length of Suspension. The individual's driver certification shall be suspended until a time in which the individual has obtained a valid driver's license and meets the qualifications for reinstatement of driver certification.

~~210.9-5. If, while driving a Tribal vehicle, a driver is determined to be, or admitted~~ 210.8-4. Notification of Suspension. The supervisor shall notify the Human Resources Department in

564 writing if he or she suspends the driver certification of an individual and shall provide the basis  
 565 for the suspension. Once notified of a suspension of driver certification the Human Resources  
 566 Department shall remove the individual from the list of current certified drivers.

567 210.8-5. Reasonable Accommodations to Suspension. If the suspension of an individual’s driver  
 568 certification affects the individual’s ability to perform his or her job duties, a supervisor may take  
 569 one of the following actions:

570 (a) Reassign the individual to a position which does not require driving;

571 (b) Provide non-driving accommodation within the position;

572 (c) Remove the driving requirement from the job description;

573 (d) Place the individual on unpaid leave until the individual obtains his or her driver  
 574 certification; or

575 (e) Terminate the individual because a valid driver’s license is an essential requirement of  
 576 the position.

577 210.8-6. Reinstatement of Driver Certification. An individual may have his or her driver  
 578 certification reinstated upon a review by the Human Resources Department that the individual  
 579 again meets all the qualifications for driver certification provided for in section 210.4-2.

580 210.8-7. Other Enforcement Actions. A supervisor may take disciplinary action against an  
 581 individual in accordance with the Nation’s laws and policies governing employment if the  
 582 individual is an employee, or in accordance with the laws and policies of the Nation governing  
 583 sanctions and penalties if the individual is an elected or appointed official of the Nation, for any  
 584 of the following actions:

585 (a) Failing to comply with any provision of this law;

586 (b) Failing to complete any applicable driver training requirements;

587 (c) Driving a fleet vehicle without being certified under the provisions of this law;

588 (d) Admitting to, or being determined to be, partially or entirely at fault in a motor vehicle  
 589 crash involving vehicle damage, property damage, or personal injury, ~~the driver may have~~  
 590 ~~his or her certification suspended;~~ and

## 591 **210.10. Suspension and Revocation of Certification; Disciplinary Action**

592 ~~210.10-1. Any driver who violates this law may be subject to suspension of his or her vehicle~~  
 593 ~~driver certification, and/or driving privileges.~~

594 ~~(a) *Driving Privilege Suspensions.*~~

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

599 ~~(A) A supervisor shall temporarily suspend a driver’s driving privileges:~~

600 ~~(1) When the driver is unable to provide proof that the driver carries~~  
 601 ~~any insurance required by this law, or~~

602 ~~(2) When the driver has not satisfied any driver training~~  
 603 ~~requirements as required by this law; but has made arrangements to~~  
 604 ~~complete the required driver training within a reasonable period of~~  
 605 ~~time.~~

606 ~~(3) Upon request from the Human Resources Department, in~~  
 607 ~~conjunction with the Risk Management Department, pending an~~  
 608 ~~investigation that appears likely to lead to a suspension of~~  
 609 ~~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~~ **(e) Not** maintaining the minimum insurance requirements for a personal vehicle.

~~(e) 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.~~

660 ~~210.10 4. The minimum length of a suspension shall be based on the number of prior suspensions~~  
661 ~~that have occurred within the past three (3) years from the date of the incident that resulted in the~~  
662 ~~most recent suspension:~~

663 ~~(a) The first time a driver has his or her vehicle driver certification suspended, the~~  
664 ~~suspension shall last no less than five (5) full time workdays.~~

665 ~~(b) The second time a driver has his or her vehicle driver certification suspended, the~~  
666 ~~suspension shall last no less than ten (10) full time workdays.~~

667 ~~(c) The third time a driver has his or her vehicle driver certification suspended, the~~  
668 ~~suspension shall last no less than fifteen (15) full time workdays.~~

669 ~~(d) Drivers who incur more than three (3) vehicle driver certification suspensions under~~  
670 ~~this law within a three (3) year period shall lose their vehicle driver certification for three~~  
671 ~~(3) years, beginning with the date of the incident that resulted in the most recent suspension.~~

672 ~~210.10 5. Due to the seriousness of a citation for the operation of motor vehicles involving drugs~~  
673 ~~or alcohol, vehicle driver certification shall be suspended upon the issuance of a driving citation~~  
674 ~~involving drugs or alcohol. Certification may only be reinstated upon the dismissal of the citation~~  
675 ~~or upon three (3) years passing from the date of citation.~~

676 ~~210.10 6. A break in employment or service of one hundred eighty (180) days or greater shall clear~~  
677 ~~the driver's record of any vehicle driver certification suspensions, except for three (3) year~~  
678 ~~suspensions resulting from a violation that involved drugs or alcohol. However, all prior~~  
679 ~~suspensions may be used in re-employment consideration.~~

680 ~~210.10 7. Notwithstanding any other provision of this law, the Nation reserves the right to suspend~~  
681 ~~an individual's certification or extend a certification suspension. Certification may be suspended;~~  
682 ~~or an existing suspension may be extended, based on the best interests of the Nation and in~~  
683 ~~accordance with the following:~~

684 ~~(a) For officials and volunteers: upon unanimous agreement between the Human Resources~~  
685 ~~Department, Fleet Management and Risk Management.~~

686 ~~(b) For employees: A supervisor may suspend an employee's certification or extend an~~  
687 ~~existing suspension, when the supervisor determines it is appropriate to do so. The~~  
688 ~~employee may appeal this adverse employment action in accordance with the employment~~  
689 ~~laws of the Nation.~~

## 691 **210.11. Reinstatement of Certification**

692 ~~210.11 1. Vehicle driver certifications that are suspended for thirty (30) days or less shall be~~  
693 ~~automatically reinstated upon expiration of the suspension.~~

694 ~~210.11 2. A driver whose certification is suspended for thirty one (31) days or more, may have his~~  
695 ~~or her certification reinstated in accordance with the following:~~

696 ~~(a) The driver may request reinstatement of his or her certification after:~~

697 ~~(1) A certification suspension has concluded or any citation(s) are dismissed or the~~  
698 ~~individual is cleared of any charges alleged in a citation that resulted in a driving~~  
699 ~~certification suspension; and~~

700 ~~(2) Three (3) years have passed since the individual was convicted of a motor~~  
701 ~~vehicle operation citation involving drugs or alcohol; and~~

702 ~~(3) The state removes a driver's license suspension; and~~

703 ~~(4) Written proof has been submitted to the Human Resources Department that the~~  
704 ~~individual has any required insurance coverage.~~

705 ~~(b) Upon receiving a request to reinstate an individual's certification, the Human Resources~~  
706 ~~Department shall:~~

707 ~~(1) check the individual's driving record to ensure the individual has no violations~~  
708 ~~on his or her driving record preventing reinstatement; and~~

709 ~~(2) verify the written proof of insurance submitted by the individual, provided it~~  
710 ~~meets the requirements of this law.~~

711 ~~(e) If the individual passes the driving record check and his or her proof of insurance is~~  
712 ~~verified, the individual's certification shall be reinstated upon approval of the Human~~  
713 ~~Resources Department.~~

714 ~~(1) Exception. For an individual's fourth (4<sup>th</sup>) suspension or a suspension due to a~~  
715 ~~conviction of motor vehicle operation citation involving drugs or alcohol the~~  
716 ~~individual's certification may only be reinstated if the following requirements are~~  
717 ~~met:~~

718 ~~(A) For officials and volunteers: certification may only be reinstated upon~~  
719 ~~unanimous approval of the Human Resources Department, Fleet~~  
720 ~~Management and Risk Management.~~

721 ~~(B) For employees: The supervisor shall notify the Human Resources~~  
722 ~~Department, Area Manager, and Risk Management of the request; and may~~  
723 ~~reinstated the employee's certification if none of those entities object.~~

724 ~~(d) Any official, volunteer or employee may seek review of a decision not to reinstate~~  
725 ~~certification, by filing an appeal with the Judiciary.~~

726  
727 *End.*

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728 Adopted BC-06-28-17-C.

729 Amended BC- - - - .



**Title 2. Employment - Chapter 210**

**Lotí'sles Kayanl'ásla Khale? Nya?teka?sléhtake Lonatlíhute? Kayanl'ásla**  
*they're driving law and a variety of vehicles the responsibility is attached to them*  
**VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT**

210.1. Purpose and Policy  
210.2. Adoption, Amendment, Repeal  
210.3. Definitions  
210.4. Driver Certification

210.5. Responsibilities of a Certified Driver  
210.6. Fleet Vehicles  
210.7. Motor Vehicle Crashes or Damage to Vehicles  
210.8. Suspension of Driver Certification and Other Enforcement

- 
- 1  
2 **210.1. Purpose and Policy**  
3 210.1-1. *Purpose.* The purpose of this law is to establish standards that certify employees, elected  
4 and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official  
5 business and regulate the use of all vehicles owned and leased by the Nation.  
6 210.1-2. *Policy.* It is the policy of the Nation to ensure the safety of the community and employees  
7 of the Nation; minimize the Nation's liability when physical damage to vehicles and/or property  
8 damage occurs as a result of a motor vehicle crash; and improve the efficiency and effectiveness  
9 of the use of vehicles owned by the Nation.  
10  
11 **210.2. Adoption, Amendment, Repeal**  
12 210.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-C,  
13 and amended by resolution BC-\_\_-\_\_-\_\_-\_\_.  
14 210.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida  
15 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.  
16 210.2-3. Should a provision of this law or the application thereof to any person or circumstances  
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
18 to have legal force without the invalid portions.  
19 210.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
20 the provisions of this law shall control.  
21 210.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
22  
23 **210.3. Definitions**  
24 210.3-1. This section shall govern the definitions of words and phrases used within this law. All  
25 words not defined herein shall be used in their ordinary and everyday sense.  
26 (a) "Area manager" means an employee's supervisor's supervisor; or, an individual  
27 designated to be the area manager by a General Manager position.  
28 (b) "Business day" means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding  
29 the Nation's holidays.  
30 (c) "Employee" means an individual employed by the Nation, but does not include elected  
31 or appointed officials, or employees of a chartered corporation of the Nation.  
32 (d) "Entity" means a department, enterprise, program, board, committee or commission of  
33 the Nation.  
34 (e) "Employee Assistance Program" means a professional counseling program staffed by  
35 clinical social workers licensed by the State of Wisconsin which offers services to the  
36 Nation's employees and family members.  
37 (f) "Fleet vehicle" means a vehicle owned or leased by the Nation.  
38 (g) "Moving violation" means any violation of motor vehicle or traffic law that is  
39 committed by the driver of a vehicle while the vehicle is moving. A moving violation does

40 not include parking violations, equipment violations, or paperwork violations relating to  
41 insurance, registration or inspection.

42 (h) “Nation” means the Oneida Nation.

43 (i) “Prohibited drug” means marijuana, cocaine, opiates, amphetamines, phencyclidine  
44 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances  
45 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
46 States Code. Prohibited drugs also includes prescription medication or over-the-counter  
47 medicine when used in an unauthorized or unlawful manner.

48 (j) “Supervisor” means the direct supervisor of an employee. For volunteers, elected or  
49 appointed officials, or employees without a direct supervisor, it means the Human  
50 Resources Department or any party who has been designated by the Human Resources  
51 Department as responsible for performing a supervisor’s responsibilities under this law.

52 (k) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended  
53 to cause harm to oneself or others.

54

#### 55 **210.4. Driver Certification**

56 210.4-1. An individual shall obtain driver certification from the Human Resources Department  
57 before operating a fleet vehicle or personal vehicle on official business.

58 210.4-2. *Qualifications for Certification.* In order to receive driver certification a person shall:

59 (a) Be eighteen (18) years of age or older;

60 (b) Hold a valid Wisconsin driver’s license;

61 (1) A person who holds a valid driver’s license from a state other than Wisconsin  
62 shall have thirty (30) days after his or her first day of employment or service to  
63 obtain a Wisconsin driver’s license.

64 (c) Have a driving record that does not reflect any of the following conditions:

65 (1) Three (3) or more moving violations and/or at-fault motor vehicle crashes in  
66 the past two (2) years; and/or

67 (2) An operating while intoxicated (OWI), driving under the influence (DUI), or  
68 prohibited alcohol concentration (PAC) citation within the last twelve (12) months.

69 (d) Complete all driver training requirements imposed by the Nation or any federal or state  
70 agency regulations;

71 (e) Satisfy any other requirements specific to the job description and/or vehicle that may  
72 be used by or assigned to the person; and

73 (f) Maintain one (1) of the following minimum insurance requirements for a personal  
74 vehicle if the individual may use his or her personal vehicle to conduct official business:

75 (1) the individual’s insurance covers:

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

77 (B) three hundred thousand dollars (\$300,000) per motor vehicle crash for  
78 bodily injury; and

79 (C) twenty-five thousand dollars (\$25,000) property damage; or

80 (2) the individual’s insurance covers two hundred and fifty thousand dollars  
81 (\$250,000) combined single limit.

82 210.4-3. The Nation’s Human Resources Department shall be responsible for determining whether  
83 an individual meets all the qualifications before approving or denying a driver certification.

84 (a) An individual shall provide his or her appropriate license, training certification, and  
85 insurance information to the Human Resources Department.

86 (b) The Human Resources Department shall have the authority to check the driving record  
87 of an individual at any time.

88 (c) The Human Resources Department shall maintain a current list of all certified drivers  
89 and provide the list to Fleet Management, Risk Management, and Central Accounting on a  
90 regular basis.

91 210.4-4. A supervisor shall ensure that an individual has received his or her driver certification  
92 from the Human Resources Department before allowing the individual to drive a fleet vehicle or a  
93 personal vehicle on official business.

94

## 95 **210.5. Responsibilities of a Certified Driver**

96 210.5-1. *General Responsibilities.* While operating a fleet vehicle or a personal vehicle on official  
97 business, an individual shall:

98 (a) Abide by all traffic laws;

99 (b) Wear a seat belt and require any passengers to wear a seat belt at all times;

100 (c) Not drive while under the influence of prohibited drugs and/or alcohol;

101 (d) Not drive if impaired by a medical or physical condition or other factor that affects a  
102 driver's motor skills, reaction time, or concentration;

103 (e) Not carry a weapon, whether in the open or concealed;

104 (1) *Exemption.* An individual who is carrying a weapon in the course of performing  
105 his or her official duties, or is participating in cultural activities or ceremonies is  
106 exempt from this requirement.

107 (f) Not transport prohibited drugs and/or alcohol;

108 (1) *Exemption.* An employee of the Nation who is transporting prohibited drugs  
109 and/or alcohol in the course of performing his or her job duties is exempt from this  
110 requirement.

111 (g) Not deliver goods or services for personal gain, or operate private pools where the  
112 riders pay the driver; and

113 (h) Not use electronic devices in an unlawful manner.

114 210.5-2. *Training Responsibilities.* An individual with driver certification shall complete the  
115 driver safety training provided and monitored by the Human Resources Department every three  
116 (3) years.

117 (a) *Exemption.* An individual who is required to maintain compliance with any specialized  
118 driver safety training requirements imposed by state or federal regulatory agencies shall be  
119 exempt from the requirement to complete the driver safety training provided by the Human  
120 Resources Department.

121 210.5-3. *Fleet Vehicle Responsibilities.* When operating a fleet vehicle, an individual shall:

122 (a) Complete a vehicle mileage log;

123 (b) Not transport unauthorized passengers;

124 (c) Notify the Fleet Management Department immediately of any problems with a fleet  
125 vehicle that may be a safety or mechanical hazard, or of any incidents that result in the  
126 inability of a fleet vehicle to complete a trip;

127 (d) Be personally responsible for all traffic citation costs, parking ticket costs, or any  
128 similar expense related to vehicle use;

129 (e) Use Oneida Retail locations for fueling fleet vehicles, unless the fleet vehicle needs  
130 fuel before it can be taken to an Oneida Retail location;

131 (f) Not smoke or use electronic smoking devices or permit others to smoke or use  
132 electronic smoking devices in the fleet vehicle; and

133 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.

134 210.5-4. *Personal Vehicle Responsibilities.* When operating a personal vehicle on official  
135 business, an individual shall:

136 (a) Obtain permission from his or her supervisor to operate a personal vehicle on official  
137 business; and

138 (b) Submit all required documents for mileage reimbursement, if seeking reimbursement  
139 for miles driven while conducting official business, within thirty (30) days of driving the  
140 miles or by the end of the current fiscal year, whichever is sooner.

141 (1) Not seeking mileage reimbursement does not exempt an individual from the  
142 provisions of this law.

143 210.5-5. *Notification Requirements.* An individual shall notify his or her supervisor if he or she:

144 (a) Has his or her driver's license suspended or revoked by the State, or has his or her  
145 driver's license become invalid for any other reason;

146 (b) Meets any of the conditions for disciplinary action as provided in section 210.8-7;  
147 and/or

148 (c) Has any impairment by a medical or physical condition or other factor that affects his  
149 or her motor skills, reaction time, or concentration.

150

## 151 **210.6. Fleet Vehicles**

152 210.6-1. *Fleet Management Department.* The Nation's Fleet Management Department shall  
153 purchase, manage, and monitor the use of the Nation's fleet vehicles. The Fleet Management  
154 Department's responsibilities shall include, but are not limited to:

155 (a) Maintain a list of all fleet vehicles that are available for use, including vehicles  
156 permanently assigned to specific entities of the Nation;

157 (b) Remove unsafe vehicles from the fleet;

158 (c) Obtain estimates of and schedule fleet vehicle repairs when necessary;

159 (d) Install or remove equipment on fleet vehicles;

160 (e) Ensure the Nation's logo is on all fleet vehicles; and

161 (f) Ensure that all fleet vehicles are equipped with a mileage log and an auto incident kit  
162 which contains forms and instructions for reporting any incident.

163 210.6-2. *Automotive Department.* The Automotive Department shall service and maintain fleet  
164 vehicles according to factory recommendations, or the maintenance schedule established by the  
165 Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive  
166 Department shall be reported to the Fleet Management Department.

167 210.6-3. *Risk Management Department.* The Risk Management Department shall be responsible  
168 for securing and maintaining insurance coverage for all fleet vehicles. Additional responsibilities  
169 of the Risk Management Department shall include, but is not limited to:

170 (a) Providing auto insurance identification cards in every fleet vehicle;

171 (b) Processing all submitted vehicle claims and related information; and

172 (c) Submitting claims to the insurance company.

173 210.6-4. *Use of a Fleet Vehicle.* A fleet vehicle may be permanently assigned to an entity for use  
174 or requested for use on a temporary basis. A fleet vehicle shall be used for conducting official  
175 business of the Nation. When used for travel purposes, a fleet vehicle may also be used for  
176 incidental purposes such as travel to and from lodging and/or meal sites.

177 (a) *Prohibited Use of a Fleet Vehicles.* A fleet vehicle shall not be used for any of the  
178 following purposes:

179 (1) Personal use for non-business purposes;

180 (2) Towing cargo for personal reasons;

181 (3) Hauling loads that could structurally damage the vehicle; and/or

182 (4) Jump starting vehicles, other than fleet vehicles.

183 210.6-5. *Permanently Assigned Fleet Vehicles.* The Fleet Management Department may  
184 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as  
185 established by the Fleet Management Department.

186 (a) *Exception to Minimum Mileage Criteria.* The Fleet Management Department may  
187 grant an entity an exception to the minimum mileage criteria.

188 (b) An entity who is permanently assigned a fleet vehicle shall regularly schedule  
189 maintenance work and safety checks with the Automotive Department.

190 (c) An entity that is permanently assigned a fleet vehicle is responsible for ensuring that  
191 any individual who drives the vehicle has his or her driver certification.

192 210.6-6. *Temporary Use of a Fleet Vehicle.* An individual in an entity that is not permanently  
193 assigned a fleet vehicle may request to use a fleet vehicle for the purpose of conducting official  
194 business by submitting a request to the Fleet Management Department.

195 (a) Requests for the use of a fleet vehicle shall be made at least one (1) week in advance,  
196 unless urgent circumstances arise.

197 (b) Before determining whether a fleet vehicle is available, or approving the use of a fleet  
198 vehicle, the Fleet Management Department shall confirm that:

199 (1) The individual requesting the fleet vehicle has his or her driver certification;

200 (2) The individual has authorization to use the fleet vehicle from his or her  
201 supervisor, if an employee, or by the individual's entity, if the individual is an  
202 elected or appointed official of the Nation or volunteer; and

203 (3) Any passengers are authorized to travel in a fleet vehicle.

204 (c) The Fleet Management Department may combine vehicle use for travel to the same  
205 destination.

206 (d) The Fleet Management Department may cancel reservations that are not fulfilled in a  
207 timely manner.

208 210.6-7. *Authorized Passengers.* In addition to the employees, elected or appointed officials, or  
209 volunteers who are authorized to use a fleet vehicle, the following individuals shall be authorized  
210 to be a passenger in a fleet vehicle:

211 (a) Individuals being transported as part of a program or service of the Nation;

212 (b) Individuals being transported during the normal and ordinary course of representing  
213 and/or conducting business on behalf of the Nation; and/or

214 (c) Any other individual who is authorized to be a passenger by the Fleet Management  
215 Department.

216 210.6-8. *Modifications to Fleet Vehicles.* Modifications to fleet vehicles for personal reasons are  
217 not permitted. Modifications to fleet vehicles for operating purposes may be allowed only with the  
218 approval of the Fleet Management Department.

219 (a) Radar detection devices shall not be installed or used in fleet vehicles.

220 210.6-9. *Rental Vehicles.* An individual shall have his or her driver certification before using a  
221 rental vehicle to conduct official business. An individual shall operate the rental vehicle with the  
222 same responsibilities and restrictions as a fleet vehicle.

223 (a) A vehicle shall be rented in accordance with the Nation's laws and policies governing  
224 travel. Every vehicle rented shall include the purchase of the maximum collision damage  
225 waiver offered by the rental company.

226

## 227 **210.7. Motor Vehicle Crashes or Damage to Vehicles**

228 210.7-1. In the event of a motor vehicle crash or damage involving the fleet vehicle or personal  
229 vehicle driven on official business, an individual shall be subject to the following reporting  
230 requirements; provided that, if an individual sustains injuries that make it impossible to meet the

231 reporting deadlines identified herein; the driver shall instead make the required reports as soon as  
232 he or she is able to do so:

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

- 235 (1) death of a person;
- 236 (2) an injury to the driver or another person that requires medical attention;
- 237 (3) damage to property that does not belong to the driver or the Nation; or
- 238 (4) a vehicle being disabled and/or needing to be towed.

239 (b) immediately report the motor vehicle crash or damage to his or her supervisor; and

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

243 210.7-2. *Internal Review.* The Fleet Management Department and Risk Management Department  
244 shall coordinate and conduct an internal review of the auto incident report for a motor vehicle crash  
245 and/or damage to a vehicle.

246 (a) Fleet Management and Risk Management may recommend whether an individual  
247 should be subject to disciplinary action based on the motor vehicle crash or incident  
248 resulting in damage to a vehicle.

249 (b) The internal review shall be completed as soon as possible after a motor vehicle crash  
250 has been reported.

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

- 253 (1) provided to the driver, the driver’s supervisor, and the driver’s area manager;  
254 and
- 255 (2) provided to the Human Resources Department if the Fleet Management  
256 Department and Risk Management Department recommend disciplinary action.

257  
258 **210.8. Suspension of Driver Certification and Other Enforcement**

259 210.8-1. Suspension of driver certification is the suspension of an individual’s ability to drive a  
260 fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of  
261 driver certification is non-appealable.

262 210.8-2. *Qualifications for Suspension.* A supervisor shall suspend an individual’s driver  
263 certification if the individual’s driver’s license is suspended or revoked by the State or becomes  
264 invalid for any other reason.

265 (a) A supervisor shall, when necessary, refer drivers to the Employee Assistance Program  
266 in accordance with applicable laws and policies of the Nation.

267 210.8-3. *Length of Suspension.* The individual’s driver certification shall be suspended until a  
268 time in which the individual has obtained a valid driver’s license and meets the qualifications for  
269 reinstatement of driver certification.

270 210.8-4. *Notification of Suspension.* The supervisor shall notify the Human Resources  
271 Department in writing if he or she suspends the driver certification of an individual and shall  
272 provide the basis for the suspension. Once notified of a suspension of driver certification the  
273 Human Resources Department shall remove the individual from the list of current certified drivers.

274 210.8-5. *Reasonable Accommodations to Suspension.* If the suspension of an individual’s driver  
275 certification affects the individual’s ability to perform his or her job duties, a supervisor may take  
276 one of the following actions:

- 277 (a) Reassign the individual to a position which does not require driving;
- 278 (b) Provide non-driving accommodation within the position;
- 279 (c) Remove the driving requirement from the job description;

280 (d) Place the individual on unpaid leave until the individual obtains his or her driver  
281 certification; or

282 (e) Terminate the individual because a valid driver’s license is an essential requirement of  
283 the position.

284 210.8-6. *Reinstatement of Driver Certification.* An individual may have his or her driver  
285 certification reinstated upon a review by the Human Resources Department that the individual  
286 again meets all the qualifications for driver certification provided for in section 210.4-2.

287 210.8-7. *Other Enforcement Actions.* A supervisor may take disciplinary action against an  
288 individual in accordance with the Nation’s laws and policies governing employment if the  
289 individual is an employee, or in accordance with the laws and policies of the Nation governing  
290 sanctions and penalties if the individual is an elected or appointed official of the Nation, for any  
291 of the following actions:

- 292 (a) Failing to comply with any provision of this law;
- 293 (b) Failing to complete any applicable driver training requirements;
- 294 (c) Driving a fleet vehicle without being certified under the provisions of this law;
- 295 (d) Admitting to, or being determined to be, partially or entirely at fault in a motor vehicle  
296 crash involving vehicle damage, property damage, or personal injury; and
- 297 (e) Not maintaining the minimum insurance requirements for a personal vehicle.

298  
299 *End.*

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300 Adopted BC-06-28-17-C.

301 Amended BC-\_\_-\_\_-\_\_-\_\_.