

ONEIDA NATION PUBLIC MEETING NOTICE

MONDAY, JULY 15, 2024, 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/public meetings](https://oneida-nsn.gov/government/register/public%20meetings)

Send Public Comments to

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920-869-4417



VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT LAW AMENDMENTS

The purpose of the purpose of the Vehicle Driver Certification and Fleet Management 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 Vehicle Driver Certification and Fleet Management law amendments will:

- ♦ Remove the responsibility of the Fleet Management Department to purchase fleet vehicles from section 210.6-1 of the Law.

Individuals may attend the public meeting for the proposed Vehicle Driver Certification and Fleet Management law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES MONDAY, JULY 22, 2024

During the public comment period, anyone may submit written comments, questions or input. 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.



For more information on the proposed Vehicle Driver Certification and Fleet Management law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).



VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	Remove the responsibility of the Fleet Management Department to purchase fleet vehicles. [2 O.C. 210.6-1].
Purpose	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. [2 O.C. 210.1-1].
Affected Entities	Fleet Management Department, Finance
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

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- A. Background.** The Vehicle Driver Certification and Fleet Management law was originally adopted by the Oneida Business Committee in 2017 through resolution BC-06-28-17-C, and then amended through resolution BC-04-08-20-H. The purpose of the Vehicle Driver Certification and Fleet Management 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. [2 O.C. 210.1-1]. It is the policy of the Nation to ensure the safety of the community and employees of the Nation; minimize the Nation’s liability when physical damage to vehicles and/or property damage occurs as a result of a motor vehicle crash; and improve the efficiency and effectiveness of the use of vehicles owned by the Nation. [2 O.C. 210.1-2].
- B. Request for Amendments.** On the April 29, 2024, the Legislative Operating Committee received a request from Ralinda Ninham-Lamberies, the Chief Financial Officer, to consider an amendment to this law to remove the word "purchase" and the responsibility to purchase from the Fleet Management Department as currently provided for in section 210.6-1 of the Vehicle Driver Certification and Fleet Management law. Finance provided that the requirement for the Fleet Manager to be involved in the purchasing process has led to unintended delays that can be avoided by reverting this responsibility back to the existing cap ex purchasing process. The Legislative Operating Committee added the Vehicle Driver Certification and Fleet Management law amendments to its Active Files List on May 15, 2024.

SECTION 3. CONSULTATION AND OUTREACH

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- A.** Representatives from the following departments or entities participated in the development of the amendments to the Vehicle Driver Certification and Fleet Management law and this legislative analysis:
- Oneida Law Office;
 - Human Resources Department;
 - General Manager;

- 26 ▪ Finance Administration;
- 27 ▪ Public Works Division; and
- 28 ▪ Automotive Department.
- 29 **B.** The following laws were reviewed in the drafting of this analysis:
- 30 ▪ Vehicle Driver Certification and Fleet Management law;
- 31 ▪ Oneida Personnel Policies and Procedures;
- 32 ▪ Oneida Travel and Expense Policy;
- 33 ▪ Clean Air law; and
- 34 ▪ Drug and Alcohol Free Workplace law.

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36 **SECTION 4. PROCESS**

- 37 **A.** The development of the proposed amendments to the Vehicle Driver Certification and Fleet
- 38 Management law complies with the process set forth in the Legislative Procedures Act (LPA).
- 39 ▪ On May 15, 2024, the Legislative Operating Committee added the Vehicle Driver Certification
- 40 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 41 regarding the development of the amendments to this Law:
- 42 ▪ May 30, 2024: LOC work session with the Oneida Law Office, Human Resources Department,
- 43 General Manager, Finance Administration. Public Works Division, and Automotive Department.

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45 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 46 ▪ *Removal of the Fleet Management Department’s Responsibility to Purchase.* Currently, the
- 47 Nation’s Fleet Management Department is delegated the authority and responsibility to purchase,
- 48 manage, and monitor the use of the Nation’s fleet vehicles. [2 O.C. 210.6-1]. The proposed
- 49 amendment to the Law would remove the word “purchase” from section 210.6-1 of the Law thus
- 50 eliminating the responsibility of the Fleet Management Department to purchase all fleet vehicles.
- 51 ▪ *Effect.* The inclusion of the responsibility of the Fleet Management Department to purchase all
- 52 vehicles for the Nation has led to unintended delays that can be avoided by reverting this
- 53 responsibility back to the existing cap expenditure purchasing process.

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55 **SECTION 6. EXISTING LEGISLATION**

- 56 **A. *References to the Other Laws of the Nation.*** The following laws of the Nation are referenced in the
- 57 Vehicle Driver Certification and Fleet Management law.
- 58 ▪ *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and
- 59 Procedures is to provide for the Nation’s employee related policies and procedures including
- 60 recruitment, selection, compensation and benefits, employee relations, safety and health, program
- 61 and enterprise rules and regulations, and record keeping.
- 62 ▪ The Vehicle Driver Certification and Fleet Management law provides that “In addition to
- 63 the suspension of driver certification, a supervisor may take disciplinary action against an
- 64 individual in accordance with the Nation’s laws and policies governing employment if an
- 65 employee...” [2 O.C. 210.8-7].
- 66 ▪ Any disciplinary action against an employee for a violation of the Vehicle Driver
- 67 Certification and Fleet Management is required to be conducted in accordance with the
- 68 Oneida Personnel Policies and Procedures.

- 69 ▪ *Oneida Travel and Expense Policy.* The Oneida Travel and Expense Policy establishes policies
70 governing the reimbursement of travel and expenses incurred during the conduct of company
71 business. [2 O.C. 219.1-1].
- 72 ▪ The Vehicle Driver Certification and Fleet Management law provides that “A vehicle shall
73 be rented in accordance with the Nation’s laws and policies governing travel. Every vehicle
74 rented shall include the purchase of the maximum collision damage waiver offered by the
75 rental company.” [2 O.C 210.6-9(a)].
- 76 ▪ The Oneida Travel and Expense Policy states that “insurance on all car rentals is covered
77 by the Oneida Tribe’s insurance policy.” [2 O.C 219.8-3].
- 78 ▪ Section 219.8-3 of the Oneida Travel and Expense Policy does not reflect current practice.
79 The Travel and Expense Policy conflicts with the current Vehicle Driver Certification and
80 Fleet Management law which requires the purchase of maximum collision damage waiver
81 from the rental company, as this is more cost effective for the Nation.
- 82 ▪ *Recommendation:* The LOC and LRO should note the discrepancy in the Travel and
83 Expense Policy and identify that section of the Travel and Expense Policy as an area for
84 future amendments.

85 **B. *Other Laws that Reference the Vehicle Driver Certification and Fleet Management Law.*** The
86 following laws of the Nation reference the Vehicle Driver Certification and Fleet Management law.
87 The proposed amendment to the Law does not conflict with any of the referenced laws.

- 88 ▪ *Drug and Alcohol Free Workplace Law.* The Drug and Alcohol Free Workplace law applies to all
89 applicants for employment, whether external or internal, and all employees during working hours,
90 when on-call, and when operating a vehicle owned by the Nation or a vehicle rented by the Nation.
91 [2 O.C. 202.4-1]. An employee is prohibited from the use of prohibited drugs and alcohol during
92 working hours, when on-call, and when operating a vehicle owned by the Nation or a vehicle rented
93 by the Nation. [2 O.C. 202.4-2].
- 94 ▪ *Clean Air Law.* The Clean Air law provides that no person may smoke in any vehicle owned or
95 operated by the Nation.” [4 O.C. 411.4-1(c)].

96

97 **SECTION 7. OTHER CONSIDERATIONS**

- 98 **A. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all
99 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
100 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
101 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
102 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
103 completing the fiscal impact statement.
- 104 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact
105 statement be completed.

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Title 2. Employment - Chapter 210

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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

210.1. Purpose and Policy

210.1-1. *Purpose.* 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.

210.1-2. *Policy.* It is the policy of the Nation to ensure the safety of the community and employees of the Nation; minimize the Nation's liability when physical damage to vehicles and/or property damage occurs as a result of a motor vehicle crash; and 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, and amended by ~~resolution~~ resolutions BC-04-08-20-H, and 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.

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

(b) "Business day" means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding the Nation's holidays.

(c) "Employee" means an individual employed by the Nation, but does not include elected or appointed officials, or employees of a chartered corporation of the Nation.

(d) "Entity" means a department, enterprise, program, board, committee or commission of the Nation.

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

(f) "Fleet vehicle" means a vehicle owned or leased by the Nation.

(g) "Moving violation" means 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

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.

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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.

94 210.4-5. *Exemption.* An individual whose duties with respect to the implementation of a contract,
95 agreement, or compact of the Nation include driving may be subject to compliance with a motor
96 vehicle operation policy as provided in the contract, agreement, or compact of the Nation when
97 this law is less stringent than the said motor vehicle operation policy.

98

99 **210.5. Responsibilities of a Certified Driver**

100 210.5-1. *General Responsibilities.* While operating a fleet vehicle or a personal vehicle on official
101 business, an individual shall:

102 (a) Abide by all traffic laws;

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

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

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

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

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

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

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

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

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

118 210.5-2. *Training Responsibilities.* An individual with driver certification shall complete the
119 driver safety training provided and monitored by the Human Resources Department every three
120 (3) years.

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

125 210.5-3. *Fleet Vehicle Responsibilities.* When operating a fleet vehicle, an individual shall:

126 (a) Complete a vehicle mileage log;

127 (b) Not transport unauthorized passengers;

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

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

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

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

137 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.
138 210.5-4. *Personal Vehicle Responsibilities*. When operating a personal vehicle on official
139 business, an individual shall:

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

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

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

147 210.5-5. *Notification Requirements*. An individual shall notify his or her supervisor if he or she:

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

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

152 (c) Has any impairment by a medical or physical condition or other factor that affects his
153 or her motor skills, reaction time, or concentration.
154

155 **210.6. Fleet Vehicles**

156 210.6-1. *Fleet Management Department*. The Nation's Fleet Management Department shall
157 ~~purchase,~~ manage, and monitor the use of the Nation's fleet vehicles. The Fleet Management
158 Department's responsibilities shall include, but are not limited to:

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

161 (b) Remove unsafe vehicles from the fleet;

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

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

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

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

167 210.6-2. *Automotive Department*. The Automotive Department shall service and maintain fleet
168 vehicles according to factory recommendations, or the maintenance schedule established by the
169 Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive
170 Department shall be reported to the Fleet Management Department.

171 210.6-3. *Risk Management Department*. The Risk Management Department shall be responsible
172 for securing and maintaining insurance coverage for all fleet vehicles. Additional responsibilities
173 of the Risk Management Department shall include, but is not limited to:

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

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

176 (c) Submitting claims to the insurance company.

177 210.6-4. *Use of a Fleet Vehicle*. A fleet vehicle may be permanently assigned to an entity for use
178 or requested for use on a temporary basis. A fleet vehicle shall be used for conducting official
179 business of the Nation. When used for travel purposes, a fleet vehicle may also be used for
180 incidental purposes such as travel to and from lodging and/or meal sites.

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

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

184 (2) Towing cargo for personal reasons;

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

186 (4) Jump starting vehicles, other than fleet vehicles.
187 210.6-5. *Permanently Assigned Fleet Vehicles.* The Fleet Management Department may
188 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as
189 established by the Fleet Management Department.

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

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

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

196 210.6-6. *Temporary Use of a Fleet Vehicle.* An individual in an entity that is not permanently
197 assigned a fleet vehicle may request to use a fleet vehicle for the purpose of conducting official
198 business by submitting a request to the Fleet Management Department.

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

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

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

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

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

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

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

212 210.6-7. *Authorized Passengers.* In addition to the employees, elected or appointed officials, or
213 volunteers who are authorized to use a fleet vehicle, the following individuals shall be authorized
214 to be a passenger in a fleet vehicle:

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

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

218 (c) Any other individual who is authorized to be a passenger by the supervisor of the
219 employee, elected or appointed official, or volunteer.

220 210.6-8. *Modifications to Fleet Vehicles.* Modifications to fleet vehicles for personal reasons are
221 not permitted. Modifications to fleet vehicles for operating purposes may be allowed only with the
222 approval of the Fleet Management Department.

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

224 210.6-9. *Rental Vehicles.* An individual shall have his or her driver certification before using a
225 rental vehicle to conduct official business. An individual shall operate the rental vehicle with the
226 same responsibilities and restrictions as a fleet vehicle.

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

230 231 **210.7. Motor Vehicle Crashes or Damage to Vehicles**

232 210.7-1. In the event of a motor vehicle crash or damage involving the fleet vehicle or personal
233 vehicle driven on official business, an individual shall be subject to the following reporting
234 requirements; provided that, if an individual sustains injuries that make it impossible to meet the

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

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

239 (1) death of a person;

240 (2) an injury to the driver or another person that requires medical attention;

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

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

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

244 (c) provide the Fleet Management Department and Risk Management Department with a
245 completed auto incident report by the end of the next business day immediately following

246 the motor vehicle crash or damage.

247 210.7-2. *Internal Review.* The Fleet Management Department and Risk Management Department
248 shall coordinate and conduct an internal review of the auto incident report for a motor vehicle crash
249 and/or damage to a vehicle.

250 (a) Fleet Management and Risk Management may recommend whether an individual
251 should be subject to disciplinary action and/or a driver safety training requirement based
252 on the motor vehicle crash or incident resulting in damage to a vehicle.

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

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

257 (1) provided to the driver, the driver's supervisor, and the driver's area manager;
258 and

259 (2) provided to the Human Resources Department if the Fleet Management
260 Department and Risk Management Department recommend disciplinary action.

261

262 **210.8. Suspension of Driver Certification and Other Enforcement**

263 210.8-1. Suspension of driver certification is the suspension of an individual's ability to drive a
264 fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of
265 driver certification is non-appealable.

266 210.8-2. *Qualifications for Suspension.* A supervisor shall suspend an individual's driver
267 certification if the individual's driver's license is suspended or revoked by the State or becomes
268 invalid for any other reason.

269 (a) A supervisor may refer drivers to the Employee Assistance Program in accordance
270 with applicable laws and policies of the Nation.

271 210.8-3. *Length of Suspension.* The individual's driver certification shall be suspended until a
272 time in which the individual has obtained a valid driver's license and meets the qualifications for
273 reinstatement of driver certification.

274 210.8-4. *Notification of Suspension.* The supervisor shall notify the Human Resources
275 Department in writing if he or she suspends the driver certification of an individual and shall
276 provide the basis for the suspension. Once notified of a suspension of driver certification the
277 Human Resources Department shall remove the individual from the list of current certified drivers.

278 210.8-5. *Reasonable Accommodations to Suspension.* If the suspension of an individual's driver
279 certification affects the individual's ability to perform his or her job duties, a supervisor may take
280 one of the following actions:

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

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

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

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

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

288 210.8-6. *Reinstatement of Driver Certification.* An individual may have his or her driver
289 certification reinstated upon a review by the Human Resources Department that the individual
290 again meets all the qualifications for driver certification provided for in section 210.4-2.

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

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

302 210.8-8. *Additional Driver Safety Training.* A supervisor may require that an individual complete
303 an additional applicable driver safety training, at his or her own expense, if the individual:

- 304 (a) is involved in an at-fault motor vehicle crash or damage involving the fleet vehicle or
305 personal vehicle driven on official business;
- 306 (b) receives a moving violation while driving a fleet vehicle or personal vehicle driven on
307 official business; and
- 308 (c) has his or her driver’s license suspended or revoked by the State or becomes invalid
309 for any other reason.

310
311 *End.*

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

313 Amended BC-04-08-20-H.

314 Amended BC- - - - .

Title 2. Employment - Chapter 210

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they're driving law and a variety of vehicles the responsibility is attached to them
VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT

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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 resolutions BC-04-08-20-H and 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.

94 210.4-5. *Exemption.* An individual whose duties with respect to the implementation of a contract,
95 agreement, or compact of the Nation include driving may be subject to compliance with a motor
96 vehicle operation policy as provided in the contract, agreement, or compact of the Nation when
97 this law is less stringent than the said motor vehicle operation policy.

98

99 **210.5. Responsibilities of a Certified Driver**

100 210.5-1. *General Responsibilities.* While operating a fleet vehicle or a personal vehicle on official
101 business, an individual shall:

- 102 (a) Abide by all traffic laws;
- 103 (b) Wear a seat belt and require any passengers to wear a seat belt at all times;
- 104 (c) Not drive while under the influence of prohibited drugs and/or alcohol;
- 105 (d) Not drive if impaired by a medical or physical condition or other factor that affects a
106 driver's motor skills, reaction time, or concentration;
- 107 (e) Not carry a weapon, whether in the open or concealed;
 - 108 (1) *Exemption.* An individual who is carrying a weapon in the course of performing
109 his or her official duties, or is participating in cultural activities or ceremonies is
110 exempt from this requirement.
- 111 (f) Not transport prohibited drugs and/or alcohol;
 - 112 (1) *Exemption.* An employee of the Nation who is transporting prohibited drugs
113 and/or alcohol in the course of performing his or her job duties is exempt from this
114 requirement.
- 115 (g) Not deliver goods or services for personal gain, or operate private pools where the
116 riders pay the driver; and
- 117 (h) Not use electronic devices in an unlawful manner.

118 210.5-2. *Training Responsibilities.* An individual with driver certification shall complete the
119 driver safety training provided and monitored by the Human Resources Department every three
120 (3) years.

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

125 210.5-3. *Fleet Vehicle Responsibilities.* When operating a fleet vehicle, an individual shall:

- 126 (a) Complete a vehicle mileage log;
- 127 (b) Not transport unauthorized passengers;
- 128 (c) Notify the Fleet Management Department immediately of any problems with a fleet
129 vehicle that may be a safety or mechanical hazard, or of any incidents that result in the
130 inability of a fleet vehicle to complete a trip;
- 131 (d) Be personally responsible for all traffic citation costs, parking ticket costs, or any
132 similar expense related to vehicle use;
- 133 (e) Use Oneida Retail locations for fueling fleet vehicles, unless the fleet vehicle needs
134 fuel before it can be taken to an Oneida Retail location;
- 135 (f) Not smoke or use electronic smoking devices or permit others to smoke or use
136 electronic smoking devices in the fleet vehicle; and

137 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.
138 210.5-4. *Personal Vehicle Responsibilities.* When operating a personal vehicle on official
139 business, an individual shall:

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

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

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

147 210.5-5. *Notification Requirements.* An individual shall notify his or her supervisor if he or she:

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

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

152 (c) Has any impairment by a medical or physical condition or other factor that affects his
153 or her motor skills, reaction time, or concentration.
154

155 **210.6. Fleet Vehicles**

156 210.6-1. *Fleet Management Department.* The Nation's Fleet Management Department shall
157 manage and monitor the use of the Nation's fleet vehicles. The Fleet Management Department's
158 responsibilities shall include, but are not limited to:

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

161 (b) Remove unsafe vehicles from the fleet;

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

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

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

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

167 210.6-2. *Automotive Department.* The Automotive Department shall service and maintain fleet
168 vehicles according to factory recommendations, or the maintenance schedule established by the
169 Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive
170 Department shall be reported to the Fleet Management Department.

171 210.6-3. *Risk Management Department.* The Risk Management Department shall be responsible
172 for securing and maintaining insurance coverage for all fleet vehicles. Additional responsibilities
173 of the Risk Management Department shall include, but is not limited to:

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

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

176 (c) Submitting claims to the insurance company.

177 210.6-4. *Use of a Fleet Vehicle.* A fleet vehicle may be permanently assigned to an entity for use
178 or requested for use on a temporary basis. A fleet vehicle shall be used for conducting official
179 business of the Nation. When used for travel purposes, a fleet vehicle may also be used for
180 incidental purposes such as travel to and from lodging and/or meal sites.

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

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

184 (2) Towing cargo for personal reasons;

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

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

187 210.6-5. *Permanently Assigned Fleet Vehicles.* The Fleet Management Department may
188 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as
189 established by the Fleet Management Department.

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

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

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

196 210.6-6. *Temporary Use of a Fleet Vehicle.* An individual in an entity that is not permanently
197 assigned a fleet vehicle may request to use a fleet vehicle for the purpose of conducting official
198 business by submitting a request to the Fleet Management Department.

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

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

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

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

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

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

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

212 210.6-7. *Authorized Passengers.* In addition to the employees, elected or appointed officials, or
213 volunteers who are authorized to use a fleet vehicle, the following individuals shall be authorized
214 to be a passenger in a fleet vehicle:

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

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

218 (c) Any other individual who is authorized to be a passenger by the supervisor of the
219 employee, elected or appointed official, or volunteer.

220 210.6-8. *Modifications to Fleet Vehicles.* Modifications to fleet vehicles for personal reasons are
221 not permitted. Modifications to fleet vehicles for operating purposes may be allowed only with the
222 approval of the Fleet Management Department.

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

224 210.6-9. *Rental Vehicles.* An individual shall have his or her driver certification before using a
225 rental vehicle to conduct official business. An individual shall operate the rental vehicle with the
226 same responsibilities and restrictions as a fleet vehicle.

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

230

231 **210.7. Motor Vehicle Crashes or Damage to Vehicles**

232 210.7-1. In the event of a motor vehicle crash or damage involving the fleet vehicle or personal
233 vehicle driven on official business, an individual shall be subject to the following reporting
234 requirements; provided that, if an individual sustains injuries that make it impossible to meet the

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

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

239 (1) death of a person;

240 (2) an injury to the driver or another person that requires medical attention;

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

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

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

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

247 210.7-2. *Internal Review.* The Fleet Management Department and Risk Management Department
248 shall coordinate and conduct an internal review of the auto incident report for a motor vehicle crash
249 and/or damage to a vehicle.

250 (a) Fleet Management and Risk Management may recommend whether an individual
251 should be subject to disciplinary action and/or a driver safety training requirement based
252 on the motor vehicle crash or incident resulting in damage to a vehicle.

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

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

257 (1) provided to the driver, the driver's supervisor, and the driver's area manager;
258 and

259 (2) provided to the Human Resources Department if the Fleet Management
260 Department and Risk Management Department recommend disciplinary action.

261

262 **210.8. Suspension of Driver Certification and Other Enforcement**

263 210.8-1. Suspension of driver certification is the suspension of an individual's ability to drive a
264 fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of
265 driver certification is non-appealable.

266 210.8-2. *Qualifications for Suspension.* A supervisor shall suspend an individual's driver
267 certification if the individual's driver's license is suspended or revoked by the State or becomes
268 invalid for any other reason.

269 (a) A supervisor may refer drivers to the Employee Assistance Program in accordance
270 with applicable laws and policies of the Nation.

271 210.8-3. *Length of Suspension.* The individual's driver certification shall be suspended until a
272 time in which the individual has obtained a valid driver's license and meets the qualifications for
273 reinstatement of driver certification.

274 210.8-4. *Notification of Suspension.* The supervisor shall notify the Human Resources
275 Department in writing if he or she suspends the driver certification of an individual and shall
276 provide the basis for the suspension. Once notified of a suspension of driver certification the
277 Human Resources Department shall remove the individual from the list of current certified drivers.

278 210.8-5. *Reasonable Accommodations to Suspension.* If the suspension of an individual's driver
279 certification affects the individual's ability to perform his or her job duties, a supervisor may take
280 one of the following actions:

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

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

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

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

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

288 210.8-6. *Reinstatement of Driver Certification.* An individual may have his or her driver
289 certification reinstated upon a review by the Human Resources Department that the individual
290 again meets all the qualifications for driver certification provided for in section 210.4-2.

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

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

302 210.8-8. *Additional Driver Safety Training.* A supervisor may require that an individual complete
303 an additional applicable driver safety training, at his or her own expense, if the individual:

- 304 (a) is involved in an at-fault motor vehicle crash or damage involving the fleet vehicle or
305 personal vehicle driven on official business;
- 306 (b) receives a moving violation while driving a fleet vehicle or personal vehicle driven on
307 official business; and
- 308 (c) has his or her driver’s license suspended or revoked by the State or becomes invalid
309 for any other reason.

310
311 *End.*

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313 Amended – BC-04-08-20-H.
314 Amended – BC-__-__-__-__.