

Fort Belknap Indian Community

MOTOR VEHICLE POLICY

In compliance with Federal Contracts and Grants requirements and Department of Interior Motor Vehicle Policy, this Motor Vehicle Policy is adopted to establish clear responsibilities for employees, supervisors, and managers and to promote the safe and prudent operations of motor vehicles while performing assigned duties in support of PL 93-638 Contracts and Grants and other Tribal government functions. This policy is effective *July 1, 2011*.

Article I. Definitions

Section 1.01 Employee: All permanent, temporary, intermittent, and contract employees; interns, student teachers; and administratively determined (AD) emergency workers as defined in 5 U.S.C. 2105.

Section 1.02 Motor Vehicle: A Government owned, rented or leased motor vehicle and/or privately owned, rented or leased motor vehicle, with a gross vehicle weight (GVW) of less than 26,000 pound, designed to transport less than 15 people, and which does not haul hazardous materials or tow vehicles with a GVW of 10,000 pounds or more (e.g. sedans, light trucks, sports utility vehicles (SUVs) and all terrain vehicles (ATVs).

Section 1.03 Motor Vehicle Operator: An employee who drives a motor vehicle, including commercial motor vehicles, in the performance of their duties and responsibilities.

Section 1.04 Commercial Operator: An employee who operates a commercial vehicle and is required to possess a Commercial Driver's License (CDL).

Section 1.05 Commercial motor vehicle: A motor vehicle having a GVW rating of more than 26,000 pounds, a vehicle towing a trailer weighing 10,000 pounds or more, a vehicle hauling hazardous material which requires display signs noting the hazardous material content of the vehicle, a vehicle designed to transport 15 or more people including the driver, or a school bus. Operators of these vehicles must have a valid CDL.

Article II. Driver Qualifications

An employee may be authorized to drive on Tribal business if he or she satisfies the following requirements:

Section 2.01 Be 18 years of age or older;

Section 2.02 Possess a valid State driver's license;

Section 2.03 Has the requisite experience needed to drive the type of vehicle being assigned or used;

Section 2.04 Has no convictions or uncontested citations within the three-year period immediately preceding their submittal of GSA Form 3607, Motor Vehicle Operator's License and Driving Record, for Reckless Driving, Driving While Intoxicated (DWI), Driving Under the Influence (DUI), Driving While Blood Alcohol Content exceeds .08, or Leaving the scene of an Accident;

Section 2.05 Has not demonstrated a pattern of unsafe driving or behaviors (e.g. drug or alcohol abuse, unusual aggression, etc) that would cause a supervisor to question the likelihood that the individual will drive safely and prudently while on Tribal business; and

Section 2.06 Possesses a current Motor Vehicle Operators Authorization from his/her supervisor.

Article III. Roles and Responsibilities

Section 3.01 The Chief Administrative Officer, Personnel Officer and the Property/Procurement Officer, in cooperation with program supervisors are responsible for carrying out the requirements of this policy within their areas of responsibility.

Section 3.02 Managers, supervisors, Personnel officer and Chief Administrative Officer must:

- (a) Carefully consider whether duties and responsibilities assigned to an employee require the operation of a government-owned or government-leased motor vehicle, commercial motor vehicle, rental motor vehicle, or privately-owned or privately-leased motor vehicle in the performance of official or contractual duties, responsibilities or activities, including duties of record and other duties assigned or historically assigned to such positions or activities;
- (b) Ensure that each Tribal Motor Vehicle operator under their supervision possesses a valid driver's license that indicates State authorization to operate the class of vehicle required in the performance of duties. This responsibility is met to ensure each employee completes the annual Authorization Process described in Section 7 of this memorandum, which includes a requirement to conduct an annual review of the employee's current license and current motor vehicle driving record. If at any time the supervisor has a concern with an employee's driving record, he or she will initiate a review of the employee's driving record. Failure to meet this responsibility may result in disciplinary action against the supervisor.
- (c) Ensure that all term contracts and commercial contracts under their administration at the time of contract renewal include certification from the contractors certifying that they will self-administer and ensure compliance with the requirements of this policy.
- (d) Based on available information, ensure no authorization is given to individuals with restricted driving privileges (i.e., home to work licenses).
- (e) Ensure that no Motor Vehicle Operator is permitted to operate a government owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle and/or privately owned or leased motor vehicle in the performance of official duties while: (a) intoxicated by ingesting controlled substances or consuming intoxicating beverages, including an impairment resulting from the use of prescription or over-the-counter drugs; or (b) impaired by a medial or physical condition, or other factor that affects his/her motor skills, reaction time, or concentration; or (c) on matters of a personal nature.
- (f) Immediately terminate driving privileges for a Motor Vehicle Operator who is:
 - a. Arrested for, charged with, or convicted of Reckless Driving, Driving While Intoxicated (DWI), Driving While blood Alcohol level exceeds Legal Limit (Per Se) or Driving Under the Influence (DUI);

- b. Arrested for, charged with, or convicted of a criminal offense related to a traffic incident involving alcohol or drugs, including but not limited to vehicular homicide, vehicular manslaughter, or endangerment;
 - c. Disqualified from holding a State driver's license, including restriction, suspension, revocation, or cancellation of a State driver's license for the type and class of vehicle operated;
 - d. Upon request, fails to provide a valid CDL medical certificate, where needed;
 - e. Not in possession of a current IA/BIA/OIEP Motor Vehicle Operator Authorization card;
 - f. Is found to have been operating a vehicle, as defined herein, on matters of personal affairs.
- (g) As directed in 5CFR 390.113, take appropriate action when Motor Vehicle Operator:
- a. Is convicted for operating a motor vehicle under the intoxicating influence of alcohol, narcotics, or pathogenic drugs;
 - b. Is convicted of leaving the scene of an accident without making his or her identity known;
 - c. Is not qualified to operate a Government owned or leased vehicle safely because of a physical or medical condition.
 - d. No longer possesses a State license by a revocation or suspension;
 - e. Fails to report incidences noted in paragraph 6 above to his or her supervisor; and
 - f. Exhibits behaviors inconsistent with the safe and prudent operation of a motor vehicle;
- (h) Where appropriate, recommend the Chemical Dependency Program (CDC) and other programs to employees whose performance appears impaired by the use of controlled substances, prescription drugs, or intoxicating beverages, as may be required in the Drug/Alcohol testing policies of the Council; and
- (i) Take appropriate actions to investigate allegations of employee's alcohol or drug abuse problem or a history of unsafe driving, regardless of whether or not the employee has ever been charged with an offense. Supervisors may at their discretion, consider a pattern of unsafe driving acts as a factor in determining whether an employee meets driver qualifications. (For example, an employee is convicted of DWI or other unsafe driving practices over a 10-year period, with DWI arrest(s)/convictions which are outside of the three-years preceding their submittal of GSA Form 3607, Motor Vehicle Operator's License and Driving Record).

Section 3.03 The Property and Supply Department will:

- (a) Receive and process Motor Vehicle Operator License and Driving Record forms (GSA Form 3607) for the Fort Belknap Indian Community.
- (b) Conduct the annual evaluation of the applicant's driving record.
- (c) Return GSA Form 3607 with certification to the supervisor after processing.
- (d) Document any conflicts or concerns with respect to an employee's driving qualifications.

Section 3.04 Employees, generally, have responsibility to inform supervisors of operator incidences or behaviors that would be considered covered by this policy or represent unsafe driving behavior. All employees share an affirmative duty to ensure our vehicles are used properly by responsible individuals who have a high regard for both personal and public safety while operating a government vehicle. Employees shall report any suspected violations to the CAO/Personnel Office/immediate supervisor.

Section 3.05. The Council recognizes that not all employees shall be required and/or allowed to drive in their work-related capacities. Each supervisor shall keep a listing of employees qualified, in a manner consistent with this policy, to drive in their work-related capacity. Each supervisor shall also keep a list of employees who are not required and/or allowed to drive in their work-related capacity. Current maintenance of these lists shall be an ongoing obligation of supervisors, and shall be made consistent with the job description and job requirements of each position. If an employee is required to drive as a part of their position requirements, and fails to maintain their driver's license and operator requirements, as set forth in this policy, disciplinary action shall follow. If an employee is not required to drive as a part of their position requirements, that employee's supervisor shall ensure the employee does not drive in their work-related capacity. Should an employee drive in a work-related capacity, without full compliance with requirements of this policy, disciplinary action shall follow.
(9/13)

Article IV. Operator Requirements

Motor Vehicle Operators must:

Section 4.01 Comply with applicable State, local and Tribal traffic laws and the lawful instruction of emergency and law enforcement personnel.

Section 4.02 Abstain from ingesting controlled substances, intoxicating beverages, prescription drugs or other medications that caution against operating a motor vehicle when taken, to avoid being impaired;

Section 4.03 Refuse transport of intoxicating beverages, controlled substances, or any passenger who is in possession of intoxicating beverages or controlled substances without written approval of immediate supervisor. Exceptions to this prohibition are allowed for social services, emergency, and law enforcement personnel whose duties and responsibilities require otherwise;

Section 4.04 Refuse to transport unauthorized passengers in Government or Tribal owned or leased motor vehicle;

Section 4.05 Report to his/her supervisor any medical or physical condition, including the use of controlled substances, prescription or over-the-counter drugs, which may impair the driver from the safe operation of motor vehicle;

Section 4.06 Successfully complete motor vehicle safety training at least every three years;

Section 4.07 Notify their supervisor if their State driving privileges are restricted, suspended, revoked, or cancelled, or if they have been otherwise disqualified from holding license. Employees are also responsible for reporting any situation that may alter authorization or ability to operate a motor vehicle, such as any legal or court ordered suspension of driving privileges or any limiting medical condition;

Section 4.08 Report all incidents involving a Government owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle, or a privately owned or leased motor vehicle that occur during the performance of their official duties;

Section 4.09 Report all on-duty incidents involving a Government owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle, or a privately owned or leased motor vehicle that could result in a violation, citation, charge, arrest, warrant, or civil action;

Section 4.10 Report all incidents involving a Government owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle, or privately owned or leased motor vehicle and the use of controlled substances or intoxicating beverages; impairment resulting from prescription or over-the-counter drugs, illness, or medical condition; or other factors that impair concentration, motor skills or reaction time;

Section 4.11 Report any restriction, suspension, revocation, or cancellation of their driver's license, for any length of time, or any disqualification from holding a State, commercial, or international operator's license;

Section 4.12 Prepare at the time of use and submit for supervisor review and approval, after each use of a vehicle, a log of all travel conducted with a Government vehicle, including starting and stopping odometer readings for each trip, odometer reading at gas fill up, if any, destination(s), a summary of the work-related activity completed on each trip and fuel receipts. Individuals who are required to be on-call for work-related maintenance or other activities, and with approval of their supervisor, check out a Government vehicle to respond to such activities, are authorized only to use the vehicle for the work-related activity. Use of a government vehicle for personal reasons is not authorized. If such use is discovered, an employee may be subject to disciplinary action, up to termination, for theft of owner's resources. If an emergency arises for non-work related circumstances, whereby use of the government vehicle is urgent, with no alternatives, the employee shall prepare a report of the use made, describing the urgency of the matter, the use made and the fact of no available alternatives explained.

Section 4.13 Limit the use of fuel cards/credit cards/debit cards issued with a vehicle to work related travel in that vehicle. The utilization of fuel cards/credit cards/debit cards for purposes other than authorized travel of employees is forbidden.

Section 4.14 Notify supervisors of these incidents no later than the following business day after their occurrence. Failure to inform the supervisor of any such situation may subject employees to disciplinary action;

Article V. Authorization Procedures

Section 5.01 All employees and term contract employees whose job requires operation of a motor vehicle must annually request authorization to operate a motor vehicle in carrying out the duties of their positions.

Section 5.02 All employees and term contract employees must annually submit to their supervisor GSA Form 3607, Motor Vehicle operator's License and Driving Record for renewal. In completing the form, individuals will provide a response to all questions (section II) and certify that their statements are true and correct to the best of their knowledge (section III).

Section 5.03 Supervisors will review the GSA Form 3607 for accuracy and completeness, complete and signed Section IV – Supervisory Review, and forward to the Property and Supply office.

Section 5.04 The appropriate office(Property and Supply and/or Personnel Department) will review the submitted forms and request a copy of the applicant's driving record from the appropriate State motor vehicle office(s) and if appropriate and where feasible, the tribal court where employees primarily operate motor vehicles within the Tribal jurisdiction.

Section 5.05 Upon receipt of a favorable review of the driving record, the Property and Supply Officer and/or Personnel Officer complete Section V-Certification of Eligibility and Authorization, sign and date, certifying that the individual meets his Tribal driver qualifications.

Section 5.06 With the Property and Supply Officer's and/or Personnel Officer's certification, a Motor Vehicle Operator authorization Card may be issued (attachment 2). The card will be issued for a period of five years.

Section 5.07 Based on the Personnel Officer's report that the applicant is not qualified, the supervisor will not issued or will revoke a Motor Vehicle Operator Authorization Card. Supervisors are reminded that they may be personally liable if they authorize an employee to operate a motor vehicle on government business if an employee is determined not to be qualified by virtue of failing to meet qualification standards.

Article VI. Failure to Report Incidents Involving Motor Vehicles

Section 6.01 Failure of the motor vehicle operator to report such incidents of traffic citations or accident violations to the supervisor as soon as possible after the occurrence, but no later than the next business day may result in disciplinary of other adverse action.

ATTACHMENTS: GSA Form 3607