



**HO-CHUNK NATION CODE (HCC)**  
**TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE**  
**SECTION 8 – OCCUPATIONAL SAFETY AND HEALTH**  
**PROGRAM ACT OF 2002**  
**SUBSECTION 16 – FLEET SAFETY**

**ENACTED BY LEGISLATURE: MAY 20, 2002**

**CITE AS: 6 HCC § 8-16**

1. **Authority.** See basic document (Occupational Safety and Health Program Act).
2. **Purpose.** The efficiency of the Ho-Chunk Nation can be measured directly by its ability to control loss. The personal safety and health of each employee and the safety of our patrons and the general public are of primary importance. Every attempt will be made to reduce the possibility of accidental occurrences that may result in injury or property damage.
3. **References.**
  - a. 49 C.F.R. § 382 (Controlled Substances and Alcohol Use and Testing).
  - b. Wisconsin Administrative Code, Department of Transportation.
  - c. Ho-Chunk Nation Fleet Policies and Procedures.
4. **Policies.** The Ho-Chunk Nation is morally committed to providing safe working conditions, complying with all safety traffic laws and ordinances.
  - a. The Ho-Chunk Nation will maintain a fleet safety program with the best practices for public entity organizations. The program will include qualification, training and supervision of drivers and employees, establishment of safe practices and rules, planned inspection and maintenance of vehicles, reporting, investigation and review of accidents.
  - b. Ho-Chunk Nation vehicles shall only be used for official work related duties.
  - c. A valid drivers license for the type and class of vehicle to be driven shall be required for all Ho-Chunk Nation employees operating fleet vehicles, including heavy equipment (tractors, loaders, backhoes, forklifts, etc.) and employees driving personal vehicles on Ho-Chunk Nation business.
  - d. Approved Ho-Chunk Nation fleet requisition form shall be required before an employee is allowed to operate Ho-Chunk Nation vehicles or drive on Ho-Chunk Nation business.

(1) Endorsement P – authorizes driving a vehicle carrying passengers specified in paragraph 6a(3)(a).

(2) Endorsement H – authorizes driving a vehicle transporting hazardous materials.

(3) Endorsement N – authorizes driving tank vehicles.

(4) Endorsement X – represents a combination of hazardous materials and tank vehicle endorsements.

c. Employees required to have a CDL shall pass a physical examination conducted by a third party examiner.

#### **7. Ho-Chunk Nation Driving Permits.**

a. Ho-Chunk Nation driving permits shall be issued to employees who possess a valid and current state Drivers License before that employee operates Ho-Chunk Nation vehicles.

b. A Ho-Chunk Nation driving permit shall be required for all employees who operate heavy equipment on public roadways. Heavy equipment shall include tractors, loaders, backhoes, forklifts, etc.

c. Fleet Management Office shall issue permits after an employee's state Motor Vehicle Driving records have been screened for compliance with requirements as outlined in this Act.

#### **8. Vehicle Fleet Safety Program Rules and Regulations.**

a. All employees who drive on Ho-Chunk Nation business shall drive in courteous manner observing the following vehicle fleet safety program rules and regulations.

b. Employees shall remain knowledgeable of and comply with all motor vehicle laws and regulations for city, county and state within which they are driving.

c. Employees shall practice effective defensive driving techniques. Employees shall exercise special precautions when children, joggers or pedestrians are in the roadway, driving during inclement weather, or when negotiating around heavy equipment, sanitation trucks, buses, etc.

d. The driver and all occupants of vehicles shall use seat belts while the vehicle is in motion, except for passengers in buses or shuttles.

## 9. Investigation and Review of Accidents.

a. Every driver is required to promptly report any accident in which he or she is involved while operating a vehicle while on approved Ho-Chunk Nation business. This means reporting any contact between the vehicle and another vehicle, person, animal, or fixed object that results in death, injury, or property damage. Such contact must be reported as an accident regardless of who was hurt, what property was damaged and to what extent, where it occurred, or who was responsible.

b. In the event of an accident the supervisor of the driver shall review the driver's accident report, interview the driver, and develop an opinion based on facts concerning factors that may have contributed to the accident. The supervisor shall then recommend appropriate corrective action to prevent recurrence of the accident. The purpose of the supervisors' investigation is not to assign blame, but to take action to prevent recurrence.

### c. Accident Review Board.

(1) An Accident Review Board shall be convened to review all accidents resulting in property loss, injury, or death. The Board shall be appointed as determined by the President and shall not consist of any person related to or in the supervisory chain of the employee being investigated. The Board shall determine whether the driver could have prevented the accident. Reports will be reviewed where all facts are clear and available, the report will be reviewed by a panel consisting of the Director of Safety, Fleet Manager, Facility Fleet Manager, and Facility Director.

(2) The review will be based on all the information available. A decision will be made in each case as to whether the driver could have prevented the accident.

(a) Preventability depends on whether the driver did everything reasonable to prevent or avoid the accident.

(b) Preventability is not based on legal responsibility for causing an accident, but is based on avoiding the accident in spite of the actions of others or the conditions that existed.

(3) Findings of the Accident Review Board shall be made available to the supervisor and the employee.

d. Review Board. If the Accident Review Board determines that the accident was preventable, the driver may challenge that determination by submitting a written challenge citing the reason for the challenge. This challenge will be submitted to the Ho-Chunk Nation Fleet Manager, who shall determine the time and place for the hearing.

(1) The Fleet Manager shall request that three Executive Directors sit as the Review Board. The Fleet Manager acts as review recorder.

(2) Personnel Interview. The personal interview provides face-to-face contact, allowing the interviewer to assess the applicant's job knowledge, attitude, personality, and appearance. Some commonly asked questions in the interview include:

- (a) Previous experience in driving.
- (b) Knowledge of basic safe working rules and regulations.
- (c) Knowledge of operating motor vehicles.
- (d) Experience with vehicle maintenance procedures.
- (e) Convictions associate with the operation of a motor vehicle.

d. Reference Check. Checking references of prior employers helps establish validity if the information on the application and information from the personal interview. Points to be cover include date of employment, type of work applicant preformed, absentee record, and vehicle accident or other safety performance issues that occurred during employment, and the applicant's reason for leaving.

12. **Driving Qualifications Standards**. The Ho-Chunk Nation's driving performance standards relating to accident and conviction records for prospective and current employees are as follows. State Motor Vehicle Records (MVR) can provide this data on employees.

a. Prospective Employees.

- (1) No major violations in the past three years.
- (2) Maximum of two moving violations with one at-fault accident.
- (3) Maximum of three moving violations in the past three years with no at-fault accidents.
- (4) Maximum of two at-fault accidents in the past three years with no moving violations.

b. Current Employees.

(1) The Ho-Chunk Nation's qualification factors for continued driving privileges for all types of driving employees who (i) currently use cars, pick-up or vans and/or (ii) use commercial and heavy over the road equipment.

- (2) MVRs that show cause for revocation of driving privileges are:

APPENDIX A (NON-CDL TWELVE-POINT SAFETY CHECKLIST)

**Non-CDL Twelve-Point Safety Checklist**

DRIVER'S NAME: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ A.M./P.M.

VEHICLE NO. \_\_\_\_\_

No.	Inspection Item	Ok	Not Ok
1	Brake System		
2	Front, rear, license and brake lights		
3	Turn signals		
4	Steering		
5	Tires		
6	Exhaust System		
7	Window Glass		
8	Mirrors		
9	Wipers and Washer fluid		
10	Horn		
11	Seat Belts		
12	Fire extinguisher		
13	First aid kit		

Check each item that is defective, and return to Fleet Manager

**APPENDIX C (CDL DRIVER'S AFTER-TRIP INSPECTION CHECKLIST)**

**CDL DRIVER'S AFTER-TRIP INSPECTION REPORT**

**DRIVER'S NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ **A.M./P.M.**

**VEHICLE NO.** \_\_\_\_\_

Battery	Turn Signals – Left	Safety Equipment:
Body	Turn Signals - Right	Fire Extinguisher
Brakes	Mirrors	First Aid Kit
Brakes, Parking	Muffler	Flags, Flares
Defroster/Heater	Suspension System	Spare Bulbs & Fuses
Exhaust	Steering	
Horn	Tires	
Head lights High/low	Transmission	
Tail Lights - Right	Wheels & Rims	
Tail Lights – Left	Windows	
Turn Signals - Front		
Turn Signals - Rear		
Condition of Vehicle is satisfactory/ unsatisfactory (circle one)		

**CHECK EACH ITEM THAT IS DEFECTIVE OR NOT WORKING, AND  
RETURN TO FLEET MANAGER**