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.

e. Ho-Chunk Nation employees shall comply with the Vehicle Fleet Safety Program rules and regulation as outlined in this Act while operating a Ho-Chunk Nation vehicle or driving on Ho-Chunk Nation business.

f. Ho-Chunk Nation employees working in certain job classifications may be required to have a Commercial Drivers License (CDL) to operate designated vehicles and equipment. Successful job applicants and current employees that are hired, promoted or re-assigned to positions requiring a CDL, shall comply with one of the following.

(1) Have a valid CDL at the time of employment, promotion or re-assignment.

(2) Within 45 days of hiring, promotion or re-assignment, obtain a CDL as a condition of continued employment.

5. **Non-commercial Drivers License Requirements.**

a. A valid regular state driver's license shall be required to operate Class D vehicles.

b. Classes A, B or C licenses shall be required for operating any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more and includes vehicles designed to carry 16 passengers or more, including the driver.

6. **Commercial Drivers License Requirements.**

a. A CDL shall be required for employees operating vehicles and equipment in the following areas.

(1) Class A – any combination of vehicles with a GVWR or licensed weight of 26,001 pounds or more, provided the GVWR of the vehicle or vehicles being towed is excess of 10,000 pounds.

(2) Class B – any single vehicle with a GVWR or licensed weight of 26,001 pounds or more and any such vehicle towing a vehicle not in excess of 10,000 pounds.

(3) Class C – any single vehicle with a GVWR or licensed weight of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds comprising:

(a) Vehicles designed to transport 16 or more passengers including the driver.

(b) Vehicles used in transportation of hazardous materials that require the vehicle to be placarded.

b. In addition to required class of CDL, certain endorsements may be required and include the following:

(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.

e. No person other than an on-the-job employee or other appropriate person engaged in business for Ho-Chunk Nation and approved by a department director or designee shall ride in a Ho-Chunk Nation vehicle.

f. No employee shall operate a Ho-Chunk Nation vehicle after having consumed alcohol and/or drugs including prescription and over-the-counter drugs that may impair their ability.

g. Vehicles not in good mechanical condition shall not be driven. (Report a mechanical problem to fleet management immediately.)

h. Unsecured items shall not be placed on the dash of a Ho-Chunk Nation vehicle.

i. Low beam headlights shall be turned on during daylight hours when the vehicle is in operation.

j. Vehicles should not be left unattended while engine is running.

k. When possible, drivers shall position their vehicles to eliminate the need for backing.

l. Ladders, pipe or tools carried outside the closed compartment of vehicles shall be placed securely in the brackets or carriers provided. Tools, equipment and materials carried in a truck bed shall be secured by using side rails and tailgate.

m. Cargo transported on trailers shall have at least one tiedown for each ten (10) feet of cargo.

n. Ear phones/headsets shall not be worn while operating Ho-Chunk Nation vehicles. Personal battery powered portable radios or cassette players are permitted in the cabs of vehicles when they are secured in a manner that does not create operational and/or safety hazard.

o. To ensure that non-CDL vehicles are in good working order, a twelve point safety check (Appendix A) shall be conducted at the beginning of each day's use. The vehicle operator shall give the completed 12-point safety check to the local fleet manager when the vehicle is returned.

p. CDL vehicle drivers shall perform a pre-trip inspection (Appendix B) at the beginning of each day's use. CDL drivers at the end of each days use (Appendix C) shall complete an after-trip inspection report. Pre-trip and After-trip inspection reports shall be given to the local fleet supervisor when the vehicles are returned.

q. All accidents involving Ho-Chunk Nation vehicles shall be recorded using the Vehicle Accident Register (Appendix D.)

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 or 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 than 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) Results of the Review Board decisions shall be published following notification of the supervisor and the employee.

10. **Fleet Safety Responsibilities.**

a. Key safety responsibilities shall be included in job descriptions for all driving positions, supervisors, and department directors. Each driver, supervisor, manager and director shall be provided with a copy of their job description, and their fleet safety responsibilities shall be discussed during job orientation.

b. The following is an assignment of responsibilities for loss control functions performed by the various positions within the Ho-Chunk Nation for fleet safety operations.

Positions	Function
Drivers	Checking and maintaining their vehicles Follow specific department rules and state driving regulations Drive defensively and courtesously.
Driver's immediate supervisor	Investigate fleet accidents Assure drivers receive orientation and training Make safety contacts Conduct driver safety meetings Consider loss control during driver performance reviews.
Department Managers and Directors	Consider fleet loss control in scheduling work Support fleet loss control activities including driver training Participate in accident reviews and follow through with corrective measures.
Fleet Safety Officer and Staff	Qualify drivers, Conduct driver orientation and training, Collect, analyze and distribute information on accidents, Recommend corrective action following accident reviews, Develop an accident control plan, Assure appropriate inspection and maintenance, repair and replacement of vehicles, Monitor progress of loss control plan.

11. **Employee Selection.**

a. Fleet accident control begins with proper driver selection. Since Ho-Chunk Nation employees are responsible for the operation and handling of valuable fleet equipment, it is imperative that proper selection procedures are use when hiring or assigning drivers.

b. Proper selection of drivers requires that management know the job requirements of the position to be filled and to determine the employee's ability to perform the job. This can be done by reviewing the applicants past experience with similar jobs, job knowledge, and attitude towards job safety.

c. The following will be used for driver selection:

(1) Employment Application. A written employment application should be required of all job seekers to provide background information about the employee. This can provide detail about the applicant's driving experience and job permanency.

(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:

(a) Conviction of driving while impaired (DWI) within the last three years

(b) Conviction for death by vehicle, hit and run, racing, careless and reckless driving or other major offenses.

(c) Conviction of more than three ordinary traffic violations, or no more than two chargeable accidents, or more than two violations in past twelve month period.

(d) Suspension or revocation of drivers license within the last three years.

(e) Revocation or loss of drivers license.

c. Fleet Management shall review all employees for above qualifications and notify employee management if disqualifying conditions are present.

d. Drug Screening. The Ho-Chunk Nation maintains a pre-employment, periodic, random and post-accident drug testing as specified by Nation standards.

13. **Administrative and Enforcement.** See paragraph 12 of basic document (Occupational Safety and Heath Program Act).

Appendices:

A. Non-CDL Twelve-Point Safety Checklist
B. Drivers Pre-Trip Checklist
C. Drivers After-trip Checklist
D. Vehicle Accident Register

Legislative History:

12/6/01	Reviewed by Administration Committee.
1/9/02	Legislature posts for 45-day Public Review.
5/20/02	Enacted as Fleet Safety (6 HCC § 8-16) by Legislative Resolution 5/20/02E.

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 B (CDL DRIVERS PRE-TRIP INSPECTION CHECKLIST)

CDL Drivers' Pre-Trip CheckList

DRIVER'S NAME: _____

DATE: _____ TIME: _____ A.M./P.M.

VEHICLE NO. _____

INSIDE		REAR	
	Parking Brake (apply)		Tail Lights
			Stop Lights
START ENGINE			Turn Signals and 4-way Flasher
	Oil Pressure (light or gauge)		Clearance Lights
	Air Pressure or Vacuum (gauge)		Identification Lights
	Low Air or Vacuum Warning Device		Reflectors
	(Air pressure below 40-psi check on pressure build-up. Air pressure above 60 psi deplete air until warning device works) (Vacuum below 8 inches Hg. check on build-up. Above 8 inches Hg. deplete vacuum until device works.		Tire and wheels
			Rear end Protection (bumper)
			Cargo Tie-downs/or Doors
		RIGHT SIDE	
			Fuel tank and cap
	Instrument Panel		Sidemarker Lights
	Horn		Reflectors
	Windshield Wiper & Washer		Tire and Wheels (Lugs)
	Heater – Defroster		Cargo Tie-downs/or Doors
	Mirrors	ON COMBINATIONS	
	Steering Wheel (excess play)		Hoses and Couplers
	Apply Trailer Brakes in Emergency		Electrical Connector
	Turn on lights including 4-way flasher		Couplings
OUTSIDE			
Front			
	Headlights		
	Sidemarker lights		
	Reflectors		
	Tires and Wheels (lugs)		
	Cargo Tie-downs/or Doors		

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

APPENDIX D (VEHICLE ACCIDENT REGISTER)

VEHICLE ACCIDENT REGISTER

LOCATION: _____

FOR THE MONTH OF: _____ YEAR: _____

No.	Date of Accident	Driver's Name	Vehicle No.	Accident Type
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				

To be maintained by the Fleet Manager for the facility/location.
At the end of the month send a copy to the Occupational Safety and Health Department