

Yurok Tribe
POLICY FOR EMPLOYEE USE OF TRIBAL VEHICLES

I. DEFINITIONS

1. Employee: All regular, temporary, intermittent and contract employees.
2. Vehicle: A tribally owned, rented or leased motorized vehicle including boats, quads, and heavy equipment and whether on or off road.
3. Driver/Operator: An employee who drives a motorized vehicle in performance of their duties and responsibilities.
4. Safety Review Team: Deputy Executive Director, Public Works Director and one employee.
5. Gas Card: GSA card or Tribal Travel card.

II. GENERAL PROVISIONS

First and foremost, drivers are responsible for their own and others' safety. Vehicles shall be operated in a safe, professional and courteous manner and drivers will obey all traffic laws, regulations and all tribal policies.

1. Each person who will operate or ride as a passenger in a Tribal vehicle shall certify that he/she has read and will comply with all provisions identified in the Yurok Tribe's Vehicle Use Policy including the use of seat belts. The certification must be signed by the Tribal employee or other authorized driver and their supervisor.
2. In general, visitors or non-employee passengers are not to be carried in any Tribal vehicle without proper authorization. The driver must have a RELEASE AND WAIVER OF LIABILITY AGREEMENT completed and signed by the passenger and their supervisor prior to transporting non-employee passengers. Original must be submitted to Public Works.
3. Tribal vehicles shall be used for Tribal business only. Drivers shall not use a Tribal vehicle for personal business or convenience. A driver may make a stop en-route if the reason for the stop is not irresponsible and is approved by the supervisor.
4. Tribal vehicles will normally not be parked overnight at a driver's place of residence unless, it is advantageous to the Tribe. Exceptions will be allowed only after the driver receives prior written approval by the driver's immediate supervisor and the Public Works Department has a copy prior to such use. Tribal vehicles should be parked in a well lighted area if it is not possible to park the vehicle in a garage or other secure area.
5. Always lock the vehicle before leaving it unattended. Do not leave valuables in an unattended vehicle. Drivers will be held financially responsible for:
 - a. Yurok Tribe equipment left in an unattended vehicle that is stolen or damaged.

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- b. If a driver locks the keys in a vehicle, they are responsible for expenses incurred in unlocking the vehicle.
 - c. Drivers are responsible for any fines or penalties from traffic, parking or other citations.
6. Drivers are required to report within 24 hours any change in driving record to their supervisor. Supervisors must affirmatively act to ensure that the employee's changed driving record is reported to the Public Works Department within 24 hours if the change is the result of an arrest or conviction for a drug or alcohol related offense, or if the driver engaged in reckless driving or other offense that calls into question the driver's ability for safe and prudent operation of a Tribal vehicle.
 7. Drivers are required to complete a checklist prior to operating a Tribal vehicle for the purpose of ensuring that the vehicle is in an undamaged, operable condition. All mechanical, operational or other problems with pool vehicles should be reported to the Public Works Department immediately upon arriving at the Tribal Office.
 8. Drivers must maintain and service their vehicles when one is assigned to them permanently. A maintenance checklist is provided with each Tribal vehicle.
 9. Smoking is not allowed in any Tribal vehicle.
 10. Animals are not allowed in any Tribal vehicle. With supervisory approval, dogs will be allowed in the bed of a truck only when safety is an issue but not on a regular basis. Dogs will be properly tied down according to current law.
 11. The use of cell phones for conversations, texting or taking photos is prohibited while driving. If a cell phone must be used, the driver must pull off to a safe area prior to using the cell phone unless using a hands free device.
 12. The gas card must be kept with the key to the vehicle during the time the vehicle is in use. When the trip is concluded, the clipboard box with key, card, and log must be returned to the Public Works office or put in the Public Works box within the time stated when the car was checked out. Failure to timely return the vehicle could result in loss of vehicle privileges.
 13. When refueling any Tribal vehicle, the driver is responsible for asking the business if they accept the-GSA card for GSA vehicles or a Tribal travel card for other Tribal vehicles before making any purchases for the vehicle. The driver is responsible to pay for any purchases made from a business that does not accept the GSA or Tribal travel card. GSA will not reimburse the Tribe for purchases made at a vendor that does not accept GSA cards. When refueling GSA vehicles use only unleaded fuel. No other grade of gasoline fuel is allowed by GSA. The GSA card may also be used to wash and vacuum the Tribal vehicle where the card is accepted. All vehicles that report to Klamath must fuel-up at Pem-Mey.
 14. No personal charges are allowed on GSA or Tribal travel cards.

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15. No one other than an authorized driver is allowed to drive the vehicle, except in case of an emergency, a non-authorized driver may drive the vehicle in order to protect the health and welfare of the driver or the safety of the vehicle.
16. Drivers are required to abide by the Tribe's Drug and Alcohol policies including the prohibition against the use of medical marijuana. No alcohol beverages or illegal drugs are allowed in the vehicle at any time.
17. A vehicle mileage and maintenance log is to be kept in every Tribal vehicle. Drivers of Tribal vehicles are required to complete the mileage log daily, including fuel and maintenance as appropriate.
 - a. The vehicle log, with fuel receipts, must be completed and turned in to the Public Works office each month.
 - b. The monthly vehicle log is due on the 1st of the month and will be overdue after the 5th of the month.
 - c. Late vehicle logs will not be tolerated. If a vehicle log is submitted after the fifth day of the month, the driver responsible will not be allowed to drive any Tribal vehicle for ten (10) days, and the vehicle will be removed from service and parked for a minimum of ten (10) days if assigned solely to that driver.
18. Drivers shall also comply with any other regulations or restrictions imposed on the use of Tribal vehicles by the Department of Interior, General Services Administration or other federal agency.

III. **DRIVER QUALIFICATIONS**

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

1. A valid California driver's license for California residents or a valid driver's license of the state of residence, of a class appropriate for the vehicle that is being used, and must be in possession of the Driver of any Tribal vehicle.
2. Drivers must be 21 years old.
3. Be insurable through the Yurok Tribe's vehicle insurance.
4. Has no convictions or uncontested citations within the five year period immediately preceding their submission for Yurok Tribe driver authorization for:
 - a. No valid driver's license
 - b. Suspended, denied or revoked driver's license (within last 3 years)
 - c. Two or more suspensions with reinstatement
 - d. Three or more moving violations
 - e. Any combination of three or more moving violations, at fault accidents and suspensions with reinstatements.

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- f. Any of the following major violations:
 - Operating under the influence or intoxicant or controlled substance (DUI) (DWI)
 - Failure to stop and report when involved in an accident that resulted in bodily injury to any person
 - Vehicular homicide, manslaughter or assault
 - Operating a vehicle during license revocation or suspension
 - Operating a vehicle without the permission of the owner
 - Operating a vehicle while used in a commission of a felony
 - Racing or speed contest
 - Attempting to elude a police officer
 - Youthful(underage) passenger with open container
 - Reckless or careless driving
 - Driving on wrong side of highway
 - Hit and run
3. Drivers of all Tribal vehicles must be an approved driver issued a Driver's Authorization form (email) from Public Works.
4. Volunteer Fire Department drivers must complete a driver's safety training.
5. Drivers shall notify their supervisor, Human Resources and Public Works Department of any changes to the above qualifications and/or conditions.
6. All drivers whose job requires them to drive a tribal vehicle must take a defensive/safe driving course
 - a. Each new hire that will drive must complete a defensive/safe driving course within 5 days of hire.
 - b. Every three years.
 - c. Completion of a defensive/safe driving course within ten days of an accident is mandatory for any driver.

IV. ACCIDENT/INCIDENT PROCEDURES

1. In case of an incident, the driver is required to complete an incident report no later than 24 hours after the incident, with the original report delivered to the Public Works Department, and copies to the driver's supervisor and the Human Resources Department. The type of report that is to be filled out is determined by whether or not the vehicle was being operated by the driver at the time of the incident.
 - a. If the driver was operating the vehicle at the time of the incident they must fill out Standard Form 91 which is a Motor Vehicle Accident Report.
 - b. If the person responsible for the vehicle was not operating the vehicle when the incident occurred they must fill out the Yurok Tribe's Incident Report Form.
 - c. Drivers that fail to properly complete and submit the required report within 24 hours will be subject to disciplinary action, including and up to termination of

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employment as pursuant to the Yurok Tribe Personnel Policy No. 7,
DISCIPLINARY ACTION.

2. All drivers involved in an incident that either (1) results in property damage in excess of five hundred dollars (\$500.00) with no personal injury; or (2) results in an injury that requires medical treatment and is reportable by law to worker's compensation must submit to a post-incident alcohol/drug test within two hours after the incident at the nearest testing facility.
 - a. If the employee is unable to take the tests within two hours due to medical treatment or lack of transportation from the incident site to the testing facility, or all available sites are closed, this must be documented by the employee's supervisor. A drug test will still be required to be taken up to twenty-four (24) hours after the incident.
 - b. Contact your immediate supervisor to determine test site or instructions.
 - c. If a driver does not timely submit to a post incident drug and alcohol screening they are immediately determined as "negligent" and will be charged \$500.00, the insurance deductible, by the Safety Review Team.
 - d. No post-incident drug/alcohol test is required if the vehicle is not being operated at the time of the incident. *Examples of this include, but are not limited to a third party backing their vehicle into a Yurok Tribal owned vehicle while it is parked in parking lot, vehicle is vandalized while it is parked, etc.*
 - e. Disciplinary action, including and up to termination of employment, may be taken against the driver pursuant to the Personnel Policy No. 7.

V. SAFETY REVIEW TEAM

1. The Safety Review Team will consist of the Deputy Executive Director, Public Works Director and one employee selected by the Yurok Tribe Employees at the annual staff meeting. This Team will review all accidents to determine if they were at-fault or not-at-fault and to insure the policy compliance.
2. The Safety Review Team will review an incident within 30 days of the incident to determine if the driver was negligent. *Examples of negligence include but are not limited to: backing a vehicle without ensuring area is clear, exceeding speed limit or driving in excess of a safe speed under the circumstances (for example, in fog or heavy rain, ice or snow conditions), or parking where it is unsafe for the vehicle, i.e., a construction area, area where vehicle may be subject to vandalism, or prohibited parking space.*
3. No member of the Safety Review Team may participate in a review or appeal proceeding in which they have a conflict of interest by reason of a relationship to the driver, or to a passenger or another party involved in the incident.

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4. If a Driver is determined to be negligent by the Safety Review Team they will be subject to paying the Yurok Tribe's Insurance Deductible of \$500.00 or the cost of the damage if less than \$500.00.
5. Any driver in an accident whether to be at fault or not at fault must take an online defensive driver's course within 10 days of the accident. The certificate of completion is to be turned into to the Public Works Department.
6. Drivers may submit a written statement with the accident report that addresses the issue of negligence and such statement shall be considered by the Safety Review Team in its deliberations. The Drivers will not be allowed to participate in the deliberations that the Safety Review Team conducts, and will be notified by written letter of the decision rendered.
7. Upon receipt of written letter of notification to the Driver of the decision from the Safety Review Team, the Driver may submit a written response appealing the decision of the Safety Review Team. The written response must be submitted to the Public Works within 10 days after notification from Safety Review Team. The written response will be reviewed at the following Safety Review Team meeting. The Driver will be requested to be present to present evidence and witnesses as to why they should not be considered at fault. The Safety Review Team will notify the Driver by written letter on what decision was rendered in regards to the Drivers appeal. The decision by the Safety Review Team is non-negotiable and no second appeal may be filed.
8. The Safety Review Team also has the ability to determine and administer suspension of driving privileges based on the Drivers driving record while performing work for the Yurok Tribe. Upon suspension of driving privileges a written notification will be given to the Driver and Supervisor on the extent of the suspension.

VI. **FISCAL ROLES AND RESPONSIBILITIES**

1. Payment of the \$500.00 deductible may be made in installments, by arrangement with the Fiscal Department, and the number of installments is determined by a sliding scale tied to the driver's rate of compensation.
 - a) Drivers earning less than \$15.00/hour shall be allowed three installments for the \$500.00 deductible
 - b) Drivers earning between \$15.01/hour and \$25.00/hour shall be allowed two installments for the \$500.00 deductible.
 - c) Drivers earning more than \$25.00 per hour shall pay the amount in full within 14 calendar days of issuance of notice of the amount due.
2. Drivers will be held financially responsible for:

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- a) Yurok Tribe equipment left in an unattended vehicle that is stolen or damaged.
- b) Expenses incurred in unlocking the vehicle if a driver locks the keys in a vehicle.
- c) Any fines or penalties from traffic, parking or other citations.
- d) If a driver does not timely submit to a post incident drug and alcohol screening they are "negligent" and will be charged \$500.00, the insurance deductible.
- e) Any purchases made from a business that does not accept the GSA or Tribal travel card.

VII. MANAGER, DIRECTOR AND SUPERVISOR ROLES AND RESPONSIBILITIES

Managers, Directors, and Supervisors must:

1. Carefully consider whether duties and responsibilities assigned to an employee require the operation of a Yurok Tribe vehicle.
2. Ensure that each driver under their supervision possesses a valid driver's license and authorization to operate the class of vehicle required in the performance of duties. This responsibility is met by conducting an annual review of the employee's current license and current motor vehicle driving record. Failure to meet this responsibility may result in disciplinary action against the supervisor.
3. Based on the information available, ensure no authorization is given to individuals with restricted driving privileges.
4. Ensure that no driver is permitted to operate a Yurok Tribe vehicle in the performance of official duties while: (a) intoxicated by ingesting controlled substances or consuming intoxicating beverages, including any impairment resulting from the use of prescription or over-the-counter drugs; or (b) impaired by a medical or physical condition, or other factor that affects his/her motor skills, reaction time, or concentration.
5. Immediately terminate driving privileges for a driver who is:
 - a. Arrested for, charged with, or convicted of Reckless Driving, Driving While Intoxicated (DWI), 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 driver's license, including restriction, suspension, revocation, or cancellation of a State driver's license for the type and class of vehicle operated.
 - d. Not in possession of authorization through the Public Works Department.
6. Take appropriate action up to and including termination when a driver:

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- a. Is convicted for operating a 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 vehicle safely because of a physical or medical condition.
 - d. No longer possesses a State license by revocation or suspension.
 - e. Fails to report incidences noted in 5 above to his/her supervisor
 - f. Exhibits behaviors inconsistent with the safe and prudent operation of a motor vehicle.
 - g. Does not submit to a post-accident drug/alcohol test.
7. Where appropriate, recommend the Employee Assistance Program (EAP) and other programs to employees whose performance appears impaired by the use of controlled substances, prescription drugs, or intoxicating beverages.
 8. 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.
 9. It is the supervisor's responsibility to recommend/take the appropriate disciplinary action for employees who violate this policy. Supervisor shall recommend/take disciplinary action outlined in the Yurok Tribe Personnel Policy, No. 7, as is appropriate.

VIII. PUBLIC WORKS ROLES AND RESPONSIBILITIES

1. Receives and processes Driver Certification forms. The Public Works Department must receive this certification before the employee operates or rides in a Tribal vehicle
2. Will provide the appropriate documents to the insurance company to insure drivers. Drivers must be approved by the Tribe's insurance before they may operate a Tribal vehicle. Any employee that cannot be covered under the Tribal insurance will not be allowed to use any non-tribal vehicle for any job duty at any time.
3. Issues Driver Authorization notification to supervisor.
4. Review the annual evaluation of the employee driving record.
5. Is the lead in establishing meeting dates and notifications for the Safety Review Team.

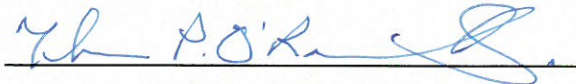
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6. Maintain point system: Yurok Tribe has developed a point system for employees involved in accidents which encompasses a three year time period. Each accident an employee is involved in counts as 1 point when they are found to be at fault for the accident. If an employee receives 3 points within any three year time period they will lose their driving privileges for the Yurok Tribe. This point system will take into account all vehicles, boats, quads, trailers, and heavy equipment owned/leased by the Yurok Tribe.
- a. (For Example: If an employee gets into an accident on May 5th, 2009 and is found to be at fault that would count as one point. On June 26th, 2011 the same employees gets into another accident in which they were found to be at fault, it would be two points against the employee within a three year time period. Therefore, if that employee were to get into another at fault accident before May 5th, 2012 their driving privileges for the Yurok Tribe would be taken away.

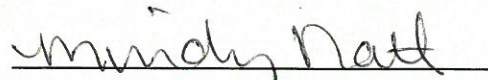
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This is to certify that this Employee Use Of Tribal Vehicle Policy was adopted by the Yurok Tribal Council at a regularly scheduled meeting on September 24, 2014, at which a quorum was present and this policy was adopted with a vote of 6 Yes, 0 No, 0 Abstentions. This Policy has not been rescinded or amended in any way.

Dated this 24th day of September, 2014.



Thomas O'Rourke, Chairman
Yurok Tribal Council

Attest: 

Mindy Natt, Secretary
Yurok Tribal Council