

**MUSCOGEE NATION  
POLICY & PROCEDURES LETTER**

<b>MCN Fleet</b>	<b>1-01 FLEET MANAGEMENT January 2013</b>
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**PURPOSE**

1.01 The purpose of this policy is to establish a Fleet program and standardized operating and maintenance guidelines for Muscogee Nation vehicles.

**GENERAL STATEMENT**

2.01 A Fleet program will enable the Nation to be more efficient and cost effective with respect to Muscogee Nation vehicles by main streaming vehicle usage, operations, maintenance, repairs and services in a centralized location. The Muscogee (Creek) Nation Fleet Policy (“Policy”) will apply to all Muscogee Nation vehicles.

**DEFINITIONS**

Unless the context otherwise requires, as used in the Policy, the following terms shall be defined as follows:

3.01 “Commercial Operator” shall mean an employee who is required to possess a Commercial Driver’s License (“CDL”) to operate a commercial vehicle in the performance of his/her employment. **(Beginning January 30, 2012, all “CDL” licensed operators must obtain and pass a DOT physical examination).** Such record must be on file with the Muscogee (Creek) Nation Human Resources and Risk Management Office.

3.02 “Commercial Vehicle” shall mean a vehicle with a gross weight 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 fifteen (15) or more people including the vehicle operator or a school bus.

3.03 “Department” shall mean a department within the Executive Branch of the Muscogee (Creek) Nation. For the purposes of this Policy, Department shall include the Office of the Treasury; the Office of the Attorney General; Independent Agencies; Office of the Administration; and all programs under the seven (7) Departments: Community and Human Services, Health, Housing, Education, Employment and Training, Commerce, MVSKOKE Media and Interior Affairs.

3.04 “Employee” shall mean a full-time employee, part-time employee or temporary employee of the Muscogee (Creek) Nation. For purposes of this Policy, employee shall also include Appointed Officers, as defined by MCNCA Title 16, § 1 -101 and Civil Officers, as defined by MCNCA Title 31, § 1-103.C., excluding the Principal Chief and the Second Chief.

3.05 “Fleet” shall mean all vehicles owned by the Nation.

3.06 “Fleet Center” or “Center” shall mean the department that is responsible for the operation and maintenance of the Nation’s Fleet.

3.07 “Fleet Committee” or “Committee” shall mean the Committee consisting of employees representing the Fleet Management Department; Office of the Treasury; and Office of the Attorney General.

3.08 “Fleet Vehicle,” “Muscogee Nation Vehicle” or “Vehicle” shall mean a motor vehicle with a gross weight of less than 26,000 pounds purchased or leased by the Nation for the transportation of employees, clients or Chartered Indian Community members, and shall include a General Services Administration (“GSA”) leased vehicle. A motor vehicle shall be designed to transport less than fifteen (15) people or tow vehicles with a gross vehicle weight of less than 10,000 pounds or more (e.g., sedans, light trucks and sports utility vehicles (“SUVs”). A motor vehicle should not haul hazardous materials. The Fleet Management Department is not responsible for any type of maintenance or tags, titles and registrations on ATVs, trailers and boats.

3.09 “Nation” shall mean the Muscogee (Creek) Nation.

3.10 “Supervisor” shall mean an employee who manages or supervises a Department. For purposes of this Policy, Supervisor shall include Program directors and Managers, Appointed Officers as defined by MCNCA Title 16, § 1-101, and Civil Officers as defined by MCNCA Title 31, § 1-103.C.

3.11 “Vehicle Operator” shall mean an employee who operates a Fleet vehicle in the performance of his/her employment.

#### **FLEET CENTER DUTIES AND RESPONSIBILITIES**

4.01 The Fleet Management is responsible for administering the Muscogee (Creek) Nation Fleet Policy and performing the following duties and responsibilities:

- Providing economical and efficient transportation that meet the requirements of the Nation and its employees while on Muscogee Nation travel and business.
- Obtaining optimum utilization of Fleet vehicles.
- Inspecting Fleet vehicles.
- Fleet Management will obtain tags, titles and registrations. Insurance verifications must be picked up at Risk Management.
- Preventative maintenance (oil changes, brakes, tire rotations, tire replacement, tune-ups) and detail vehicles.
- Assess the vehicles to determine if they will be repaired by Fleet Management, or need to be sent to a dealership/mechanic.
- Taking appropriate action when this Policy is not followed.

#### **EMPLOYEE QUALIFICATIONS**

5.01 **Prospective Employee.** The selection of an employee is the responsibility of a Department Supervisor and Human Resources. If a job requires the operation of a vehicle, then Human Resources shall request Risk Management to review the prospective employee’s current Motor Vehicle Report and past driving history/background prior to employment. If the prospective employee will be operating a commercial vehicle, then he/she must successfully complete/pass a DOT physical which will be scheduled and paid for by the employee’s Department. Risk

Management shall provide Human Resources with written verification that the prospective employee is or is not authorized to operate a vehicle under the Nation's insurance policy.

5.02 **Employee.** An employee operating a Fleet vehicle must possess a valid Oklahoma State Driver's License. It is the responsibility of Risk Management to ensure that an employee is qualified and licensed to operate a vehicle, as required by the State of Oklahoma. As prescribed by the Commercial Motor Vehicle Safety Act of 1986, an employee who wishes to operate a Commercial Vehicle must possess a CDL to operate a commercial vehicle. Once a year, Risk Management shall request a copy of an employee's Driver's License. Risk Management will determine if the employee is authorized to operate a vehicle under the Nation's insurance policy. If an employee is deemed to be uninsurable, then Risk Management shall notify the Department Supervisor.

***\*\*THE ABILITY TO OPERATE A FLEET VEHICLE IS A PRIVILEGE OF EMPLOYMENT WITH THE NATION AND NOT A RIGHT. THIS PRIVILEGE CAN BE REVOKED AT ANYTIME FOR FAILURE TO ABIDE BY THIS POLICY.\*\****

### **REQUESTING A FLEET VEHICLE**

6.01 **Muscogee Nation Travel.** Muscogee Nation travel is defined as travel that requires at least one (1) overnight stay away from the employee's home. When an employee needs to utilize a Fleet vehicle for Muscogee Nation travel, the employee shall request a vehicle from the Fleet Management Department by filling out a "Vehicle Travel Form" that shall at a minimum state the reason for the Muscogee Nation travel; date vehicle is needed; destination; and expected return date. Departments utilizing their own vehicles must notify Fleet Management of any out of state and/or overnight travel (in case of emergency). The "Vehicle Travel Form" must be approved by the employee's Supervisor. When a Fleet vehicle is used by an employee for Muscogee Nation travel, its use shall be limited to Muscogee Nation business which includes transportation between places where the employee's presence is required incidental to Muscogee Nation business; between such places and places of temporary lodging when public transportation is unavailable or its use is impractical; and between either of the above places and suitable eating places, drug stores, barber shops, place of worship, cleaning establishments and such similar places necessary for the sustenance, comfort or health of the employee to foster the continued efficient performance of Muscogee Nation business. The employee shall return the vehicle to the Fleet Management Department clean and with a full tank of gasoline.

### 6.02 **Muscogee Nation Business.**

- A. **Temporary Assignment Exceeding Thirty (30) days.** When a Department needs to have a Fleet vehicle(s) assigned for more than thirty (30) days, the Department Supervisor shall make a request to the Fleet Management Department using the "Vehicle Temporary Assignment Form" that shall at a minimum state the reason for the temporary assignment; requested vehicle(s) type; location where vehicle(s) will be housed after hours and on weekends; estimated monthly mileage; names of employees who will be driving the vehicles(s); dates that the vehicle(s) is needed; and signature of the requesting Department Supervisor and his/her immediate Supervisor. Department shall return the vehicle(s) to the Fleet Management Department clean and with a full tank of gasoline on the date stated on the form. If the Department needs the vehicle for a longer period of time, the Department Supervisor should contact the Fleet Management Department as soon as possible to make arrangements and to fill out the proper paperwork.

- B. Short Term Assignment. When a Department needs a Fleet vehicle(s) for seasonal work, special event or surge related requirement, the Department shall make a request to the Fleet Management Department using the “Short Term Assignment Form” that shall state the reason for the short term assignment; requested vehicle(s) type; special equipment; location where vehicle(s) will be housed after hours and on weekends; names of employees who will be driving the vehicle(s); dates the vehicle(s) is needed; and signature of the requesting Department Supervisor and his/her immediate Supervisor. A Department should inform the Fleet Management Department as far in advance as possible, preferably at least a month in advance. This lead-time gives the Fleet Management Department an opportunity to acquire additional equipment, if necessary, check to make sure necessary funds are available, or to make other arrangements. A short term assignment shall be for more than three (3) business days and less than ten (10) business days. The Fleet Management Department may approve/disapprove a short term assignment request based on availability of vehicle(s) and prior adherence to this Policy. The Fleet Management Department may assign additional guidelines as it deems necessary. The Department shall return the vehicle(s) to the Fleet Management Department clean and with a full tank of gasoline on the date stated on the Form.
- C. One Day Usage. When an employee needs to utilize a Fleet vehicle for one day Muscogee Nation business, the employee shall fill out a “Vehicle Usage Form” that shall at a minimum state the reason for the Muscogee Nation business; where the vehicle will be driven; and expected return time to the Fleet Management Department. This form must be turned into the Fleet Management Department at least 24 hours before the date of vehicle usage. The assignment shall be based on the Fleet Management Department’s current inventory and pending requests. The employee shall return the vehicle to the Fleet Management Department clean and with a full tank of gasoline.

## **PROHIBITED USES OF FLEET VEHICLES**

7.01 **Prohibited Uses of a Fleet Vehicle**. When a Fleet vehicle is assigned, the vehicle’s use is strictly limited to official Muscogee Nation business which includes transportation between places where the employee’s presence is required incidental to Muscogee Nation business (this usually occurs between 8:00 a.m. and 5:00 p.m.). The following uses of a Fleet vehicle are strictly prohibited:

- A. Operating a vehicle for personal reasons, including but not limited to transporting one’s child(ren) and running personal errands.
- B. Driving the vehicle to and from work. Exceptions to this prohibition are allowed only when the Department Supervisor has received approval from the Chief. Lighthorse Police and the Office of the Attorney General will be provided with a list of exceptions of this prohibition.
- C. Driving the vehicle to lunch. Exception to this prohibition are (i) if the vehicle operator is not in Okmulgee or at his/her workstation location during the lunch hour, then the vehicle operator is authorized to drive the vehicle to lunch or (ii) if a vehicle operator is authorized to drive the vehicle to and from work.

- D. Operating a vehicle while intoxicated by ingesting a controlled dangerous substance or consuming beer or liquor, including the impairment resulting from the use of prescription or over-the-counter drugs.
- E. Operating a vehicle while impaired by a medical or physical condition or other factor that affects his/her motor skills, reaction time or concentration. In this specific instance and depending on the impairment, the Fleet Management Department may revoke an employee's driving privileges based on health, safety and welfare concerns.
- F. Transporting beer, liquor or a controlled dangerous substance or a passenger who is in possession of beer, liquor or a controlled dangerous substance. Exceptions to this prohibition are allowed for Social Services, Children & Family Services and law enforcement personnel whose duties and responsibilities may require otherwise.
- G. Transporting unauthorized passengers.
- H. Parking a Fleet vehicle at the employee's residence. Exceptions to this prohibition are allowed only when it is safer to park the vehicle at the employee's residence than on Muscogee Nation property. In this instance, the Department Supervisor must receive approval from the Fleet Management Department and the Principal Chief. Lighthorse Police and the Office of the Attorney General will be provided with a list of exceptions of this prohibition.

7.02 **Prohibited use of Tobacco Products in Fleet Vehicles.** The use of tobacco products is strictly prohibited in Fleet vehicles. If a Department and/or vehicle operator violates this prohibition, the Fleet Management Department will charge the Department and/or vehicle operator for the cost of cleaning the vehicle beyond normal detailing procedures to remove tobacco odor or residue or repairing damage caused as a result of tobacco use. The decision to perform additional cleaning or repair will be made by the Fleet Management Department based upon the condition of the vehicle when assigned, the degree of tobacco residue and damage and the cost effectiveness of such additional cleaning.

7.03 **Employee Misconduct or Improper Operation.** When a Fleet vehicle is damaged through employee misconduct or improper operation, the employee must furnish to the Fleet Management Department a statement explaining the incident. The statement will be forwarded to the Committee for action. The employee may be held financially responsible for the damage.

7.04 **Unauthorized Vehicle Operators.** Independent Contractors, Unauthorized Employees, Employees under eighteen (18) years of age and Summer Youth Workers are prohibited from operating a Fleet vehicle and are considered unauthorized vehicle operators. Traffic violations involving an unauthorized vehicle operator may result in prosecution, civil or criminal fine and/or a ban from future driving privileges of a Fleet vehicle.

7.05 **Violations.** A vehicle may be removed from a Department or future vehicle usage may be denied to an employee for not maintaining it in accordance with this Policy; not using it properly; violating Section IV of this Policy; violating the provisions listed in subsections 1 through 4 of this Section; and/or repeatedly failing to follow this Policy. The Fleet Management Department will refer all violations to the Committee for investigation and appropriate action. The Committee is

responsible for investigating all violation reports, determining disciplinary action, if any, and determining personal liability, if any.

### **VEHICLE OPERATOR RESPONSIBILITIES**

8.01 It is the Nation's policy to take all reasonable precautions to ensure that a vehicle operator, authorized passenger(s) and the general public are protected from injury and that damage to Muscogee Nation or other property is held to a minimum. However, a vehicle operator must also assume responsibility for exercising reasonable diligence in the care of the Fleet vehicle until it is returned to the Fleet Management Department. A vehicle operator is responsible for the following:

- A. Seatbelt must be used by the vehicle operator and passenger(s) at all times.
- B. The safety and welfare of an authorized passenger(s). A vehicle operator is also responsible for ensuring that an authorized passenger(s) complies with all federal, state, local and Muscogee Nation traffic laws and regulations governing the operation of a vehicle.
- C. Complying with all federal, state, local and Muscogee Nation traffic laws and regulations and with lawful instruction of emergency and law enforcement personnel. A vehicle operator shall be personally responsible for the payment of any and all traffic and parking violations. Failure of a vehicle operator to observe traffic regulations or to take proper care of a vehicle may be considered as justification by the Fleet Management Department for terminating a vehicle assignment or denying a future vehicle.
- D. Reporting to his/her Supervisor any medical or physical condition, including the use of a controlled dangerous substance, prescription or over-the-counter drug, that may impair concentration, motor skills or reaction time that prevent him/her from operating the vehicle in a safe manner.
- E. Notifying his/her Supervisor if his/her driving privileges are restricted, suspended, revoked or cancelled or if he/she has been otherwise disqualified from holding a license. An employee is also responsible for reporting any situation that may alter his/her authorization or ability to operate a vehicle, such as any legal or court ordered suspension of driving privileges or any limiting medical condition.
- F. Reporting all incidents involving a vehicle, commercial vehicle, rental vehicle or privately owned vehicle that occur during the scope of his/her employment in accordance with the SECTION ACCIDENTS: REPORTING AND RESPONSIBILITIES.
- G. Reporting all incidents involving a vehicle, commercial vehicle, rental vehicle or privately owned vehicle that occur during the scope of his/her employment that result or could result in a violation, citation, charge, arrest, warrant, physical damage to any vehicle or civil action in accordance with the SECTION ACCIDENTS: REPORTING AND RESPONSIBILITIES.
- H. Paying any required toll fees. Any toll fees paid by a vehicle operator will be reimbursed by his/her Department; provided the Supervisor is given the correct toll receipt.

- I. A Vehicle operator who has received more than three (3) traffic violations, warnings or tickets in a one (1) year time period, while operating a vehicle, commercial vehicle, rental vehicle or privately owned vehicle while on Muscogee Nation travel or business can no longer operate said vehicle(s) for at least one (1) year.
- J. The Vehicle operator must remove all trash, cups, food and etc. The manager will be notified if the vehicle is neglected or abused and the Vehicle operator will lose their driving privileges.

### **USE OF ASSIGNED FLEET VEHICLE**

9.01 **Vehicle Accountability Form Receipt.** Upon assigning a vehicle, the Fleet Management Department will prepare a Vehicle Accountability Form. Fleet Management will inspect the vehicle with the Department Supervisor or vehicle operator upon assignment, termination, rotation and turn-in. Inspection defects must be brought to the attention of Fleet Management at this time. When a Fleet vehicle has been turned in for any reason, the Fleet Management Department will again inspect the vehicle with either the Department Supervisor or vehicle operator. Both the Fleet Management Department and Department Supervisor or vehicle operator shall sign the Vehicle Accountability Form. Disputes regarding responsibility for damage or service costs will be resolved at that time. The Fleet Management Department shall provide a copy of the form to the Department upon delivery and turn-in of a vehicle(s).

9.02 **Fleet Vehicle Manual.** At the time of assignment, the Fleet Management Department shall provide each vehicle with a Fleet Vehicle Manual that shall include the following items:

- A. Vehicle Operator's Manual, if available
- B. GSA Fleet Card or Muscogee Nation Fuel Card, whichever is applicable to the vehicle
- C. Mileage Log
- D. Copy of insurance verification
- E. GSA Form 1627, Motor Vehicle Accident Reporting Kit
- F. SF 91, Operator's Report of Motor Vehicle Accident
- G. SF 94, Statement of Witness (2 copies)

9.03 **Rotation of Fleet Vehicles.** The Fleet Management Department may rotate vehicles on high mileage assignments with those on low mileage assignments to ensure more uniform overall vehicle utilization. The Fleet Management Department will decide on a case-by-case basis which vehicles, if any, will be rotated based upon vehicle type, vehicle location, availability of replacement vehicles and the mission of the Department.

9.04 **Mileage Reporting Methods.** When a Fleet vehicle is on assignment, the assigned Department or vehicle operator is responsible for reporting mileage as follows:

- A. **GSA Fleet Card.** When paying for fuel with the GSA Fleet Card, the vehicle operator is prompted to key in vehicle and mileage information. Also, the Department must email mileage to the Fleet Management Department by 3 p.m. on the last business day of each month. The Department shall include the vehicle tag number; the current mileage as shown on the odometer; and any other information as requested by the Fleet Management Department.

- B. Muscogee Nation Fuel Card. The Department must email mileage to the Fleet Management Department by 3 p.m. on the last business day of each month. The Department shall include the vehicle tag number; current mileage as shown on the odometer; and any other information as requested by the Fleet Management Department.

9.05 **Marked Fleet Vehicles.** All Fleet vehicles shall utilize either the Muscogee (Creek) Nation EX license plates or GSA license plates. No vehicle shall be driven without a license plate.

9.06 **Monitoring Transactions.** The Fleet Management Department will monitor all GSA Fleet Card (to include credit card usage and maintenance) and Muscogee Nation Fuel Card transactions throughout a vehicle's usage. Fleet Management will coordinate with each Department to ensure fraud, waste and abuse are detected in a timely manner.

### **PRIVATELY OWNED VEHICLE TO CONDUCT MUSCOGEE NATION BUSINESS**

10.01 Under certain circumstances, an employee may be requested or required to utilize his/her privately owned vehicle to conduct Muscogee Nation business. Prior to such usage, the employee must provide his/her Supervisor with a copy of his/her Oklahoma State Driver's License and proof of personal automobile insurance with limits sufficient to meet the State of Oklahoma Financial Responsibility Laws. These requirements shall remain in effect for the duration of the employee's tenure with the Nation. Failure to comply with this requirement constitutes grounds for disciplinary action, up to and including termination.

It is hereby understood and agreed that in the event of an automobile accident while conducting Muscogee Nation business in the employee's privately owned vehicle, the employee's personal automobile insurance is primary and any applicable Muscogee Nation insurance will be considered secondary or excess, per the Nation's automobile insurance policy's specific term, conditions and exclusions.

### **FUEL AND MAINTENANCE**

#### 11.01 **Fuel and Supplies.**

- A. GSA Fleet Card. A government credit card is issued with some vehicle assignments and is used to obtain fuel, services, maintenance and repair on the vehicle. Each GSA Fleet Card is unique to the vehicle that it is assigned to and is not to be used for personal items nor should it be used for other government or privately owned vehicles. The GSA Fleet Card can be used to purchase regular unleaded gasoline, diesel, oil and other such products and services as listed in (4) below, from service stations.

(1) Leaded gasoline must never be used in vehicles requiring unleaded gasoline or diesel fuel. When purchasing fuel from a service station, a vehicle operator is required to use self-service pumps and ensure that regular unleaded gasoline is used, or for a vehicle powered by diesel fuel, the vehicle operator must ensure that only ultra low-sulfur diesel fuel is used.

The following exemptions may apply:

- (a) physical limitations of the vehicle operator

- (b) service station's refusal to honor the GSA Fleet Card for fuel pumped at self-service islands, or
- (c) severe weather conditions.

(2) Most service stations accept the GSA Fleet Card. A vehicle operator should verify that the service station accepts the GSA Fleet Card prior to obtaining services.

(3) A vehicle operator must utilize self-service pumps in order to take advantage of the lower prices. The vehicle operator will be prompted at the pump or inside the station to enter an Access Code/Personal Identification Number ("PIN"). Information on the use of the PIN will be provided by the Fleet Management Department. If the vehicle operator encounters a problem at a service station, he/she should call the number printed on the backside of the Card.

(4) In addition to the purchase of fuel and oil, use of the GSA Fleet Card is encouraged to purchase maintenance and repair services, washing and cleaning services and miscellaneous vehicle maintenance related items such as antifreeze, windshield wipers, light bulbs and lamps. All miscellaneous maintenance items are to be purchased and applied by an authorized service station or the Fleet Management Department. The vehicle operator is responsible for ensuring that services and products are received as charged.

(5) The GSA Fleet Card becomes the responsibility of the Department and/or vehicle operator once a vehicle is assigned. If the Card is lost, stolen or misused in any way, the vehicle operator may be held liable. If the GSA Fleet Card has been lost, stolen or is inoperable, the vehicle operator must immediately notify the Fleet Management Department and the Fleet Department will request a replacement Card. Please note that the request must contain the following information: the vehicle license plate number; the reason for replacement (lost, stolen or inoperable) and a statement explaining the circumstances. The GSA Fleet Card can be easily compromised; therefore, it is imperative that those entrusted with it remove and properly safeguard the GSA Fleet Card at all times.

(6) The Fleet Management Department is not able to reimburse a vehicle operator when he/she has to use cash, check or a personal credit card to purchase gasoline or related services at authorized vendors. The vehicle operator must provide adequate documentation to the Fleet Management Department and if acceptable, the Fleet Management Department will issue a credit to the vehicle operator on the Miscellaneous Charges and Adjustment Transactions, listing the out-of-pocket purchases. The Fleet Management Department will forward the approved Miscellaneous Charges and Adjustment Transactions to the vehicle operator's Supervisor. Each Department is responsible for handling reimbursement to their Personnel.

B. Muscogee Nation Fuel Card. A Muscogee Nation Fuel Card is issued with all other Fleet vehicle assignments. The Muscogee Nation Fuel Card can be used to obtain fuel at either the Okmulgee or Muskogee Travel Plaza. The Muscogee Nation Fuel Card is not to be used for personal items or used for privately owned vehicles. The Muscogee Nation Fuel Card can be used to purchase regular unleaded gasoline, ethanol and diesel fuel.

(1) A vehicle operator must utilize self-service pumps. The vehicle operator will provide the Travel Plaza Clerk with the following: Muscogee Nation Fuel Card; vehicle operator's name and Department; current odometer reading and vehicle tag number. The Travel Plaza Clerk will provide a receipt to the vehicle operator that contains the date; the number of gallons used and the fuel purchase amount. The vehicle operator will sign a receipt. Depending on the type of vehicle assignment, the vehicle operator will either provide the receipt to the Fleet Management Department upon return of the vehicle or to his/her Supervisor. The vehicle operator is responsible for ensuring that the fuel is received as charged.

(2) The Muscogee Nation Fuel Card cannot be used to purchase repair services, washing and cleaning services, and miscellaneous vehicle maintenance related items such as antifreeze, windshield wipers, light bulbs and lamps.

(3) The Muscogee Nation Fuel Card becomes the responsibility of the vehicle operator once a vehicle is assigned. If the Card is lost, stolen or misused in any way, the vehicle operator may be held liable. If the vehicle Muscogee Nation Fuel Card has been lost or stolen the vehicle operator must contact the Fleet Management Department immediately to receive a replacement Card. Please note that the request must contain the following information: the vehicle license plate number; the reason for replacement (lost or stolen) and a statement explaining the circumstances. The Muscogee Nation Fuel Card can be easily compromised; therefore, it is imperative that those entrusted with it remove and properly safeguard the Muscogee Nation Fuel Card at all times.

(4) The Fleet Management Department is not able to reimburse a vehicle operator when he/she has to use cash, check or a person credit card to purchase gasoline at a vendor other than the Nation's Travel Plazas. The vehicle operator must provide adequate documentation to the Fleet Management Department; if acceptable, the Fleet Management Department will issue a credit to the vehicle operator on the Miscellaneous Charges and Adjustment Transactions, listing the out-of-pocket fuel purchases. The Fleet Management Department will forward the approved Miscellaneous Charges and Adjustment Transactions to the vehicle operator's Supervisor. Each Department is responsible for handling reimbursement to their personnel.

11.02 **Preventive Maintenance.** Fleet vehicles must be maintained in a presentable (clean) and safe operating condition. The Fleet Management Department, Supervisors and vehicle operators play a major role in assuring this. Safety items such as lights, fuel level, turn signals, horn, windshield wipers, oil level, visual tire inspection, tire pressure, brake operation, fluid leaks and exterior body damage are among the items that should be inspected prior to operating or taking the vehicle in for Preventive maintenance. After checking the safety items, the vehicle operator should list any deficiencies and report them to the Fleet Management Department.

A. **Preventive Maintenance Program.** The Preventive Maintenance Program is designed to provide maximum safety, efficiency and economy in the operation of Fleet vehicles and minimize lost vehicle time caused by extensive repairs. The Preventive Maintenance Program requires periodic inspection and servicing of all vehicles on a scheduled basis by the Fleet Management Department. (NOTE: It is of the utmost importance that Preventive maintenance is accomplished on-time, as these schedules are established in accordance with the vehicle manufacturer's recommendation, and if the scheduled

inspections become delinquent, the vehicle manufacturer is empowered to void that specific vehicle's warranty coverage.)

- B. Emissions Inspections. The Fleet Management Department will monitor testing of vehicles in compliance with applicable laws.

11.03 **Maintenance and Repair.** Regardless of the cost or payment method, the Fleet Management Department is responsible for procuring maintenance and repair services for all Fleet vehicles. The Fleet Management Department will assume responsibility for authorizing work required of service stations and providing payment information for work performed.

- A. Obtaining Maintenance and Repairs.

(1) GSA Fleet Card Vehicles. Maintenance and repairs should be done, when possible, by a station that accepts the GSA Fleet Card. Any deviation from this payment method must be agreed to prior to the time of purchase. In those instances where the use of the GSA Fleet Card is not possible, the station shall invoice the Fleet Management Department for services provided. If a Fleet vehicle has been assigned to a Department, then the Fleet Management Department may direct the Department to a station for maintenance and repairs. The Fleet Management Department will provide the station with authorization to service the vehicle. Regardless of method of payment, the station should provide the vehicle operator with a detailed invoice of all services provided. If the GSA Fleet Card is not the method of payment, then the vehicle tag number, odometer reading and Purchase Order number provided by the Fleet Management Department must appear on each invoice. The vehicle operator is to ensure that the services are received as billed prior to leaving the station. The vehicle operator must sign and date the invoice verifying that the service was received. The vehicle operator shall immediately forward the invoice to the Fleet Management Department. However, if the station will not provide an invoice at the time that the vehicle is released, then the vehicle operator shall request that the station send the invoice to:

Muscogee (Creek) Nation  
Attn: Fleet Management Department  
P. O. Box 580  
Okmulgee, Oklahoma 74447

(2) Muscogee Nation Fuel Card Vehicles. Maintenance and repair will be performed by either a service station or an independent contractor. Maintenance and repairs should be done, when possible, by a station or independent contractor that accepts Purchase Orders from the Fleet Management Department. If a Fleet Vehicle has been assigned to a Department, then the Fleet Management Department may direct the Department to a station for maintenance and repairs. The Fleet Management Department will provide the station with authorization to service the vehicle. The station should provide the vehicle operator with a detailed invoice of all services provided. Also, the vehicle tag number, odometer reading and Purchase Order number provided by the Fleet Management Department must appear on each invoice. The vehicle operator is to ensure that the services are received as billed prior to leaving the station. The vehicle operator must

sign and date the invoice verifying that the service was received. The vehicle operator shall immediately forward the invoice to the Fleet Management Department. However, if the station will not provide an invoice at the time that the vehicle is released, then the vehicle operator shall request that the station send the invoice to:

Muscogee (Creek) Nation  
Attn: Fleet Management Department  
P. O. Box 580  
Okmulgee, Oklahoma 74447

- B. Obtaining Emergency Vehicle Repairs. Emergency repairs are unscheduled repairs that take place after hours or when it is impossible or impractical for the vehicle operator to contact the Fleet Management Department. The limit for emergency maintenance charged to the GSA Fleet Card is \$500 and the phone number can be found on the back side of the GSA Fleet Card for your convenience. It is also the responsibility of the vehicle operator to contact the Fleet Management Department the next working day to report the circumstances of the emergency repairs and to obtain instructions regarding further actions that are necessary. It is important to understand the distinction between unscheduled repairs and emergency repairs. Unscheduled repairs are those repairs that have not been planned (i.e.; a roadside vehicle breakdown during normal working hours). If a vehicle operator has an emergency repair while operating a vehicle that does not have a GSA Fleet Card, the vehicle operator should immediately call the Fleet Management Department at 1-800-482-1979 (after hours 1-918-857-9550), a Fleet Management employee will be on call. The Fleet Management Department will locate the nearest station and arrange to have the vehicle operator picked up.

**NOTE:** *If it is determined that a vehicle operator is using the GSA Fleet Card or Muscogee Nation Fuel Card for something other than the purchase of fuel, lubricants and associated services or maintenance and repairs, the Fleet Management Department will bill the vehicle operator for the unauthorized purchase(s) and refer the matter to the Fleet Committee for action.*

## **CARE OF FLEET VEHICLES**

12.01 The vehicle operator is ultimately responsible for the overall appearance and condition of an assigned Fleet vehicle. Failure to comply with this responsibility frequently results in increased operating and administrative costs for the Fleet Management Department. Rather than imposing an overall rate increase to recover the additional costs incurred by the operation of the Fleet, the Fleet Management Department may bill either the Department or the vehicle operator for the service costs to assigned vehicle(s) that have not been properly maintained, and have been neglected or abused. Neglect is characterized as failure to maintain a vehicle in a safe and operable condition and non-compliance with this Policy. Abuse is characterized as failure to exercise reasonable care in operating a Fleet vehicle. To avoid being charged for service or cleaning costs resulting from improper maintenance, abuse or neglect, the Department and vehicle operator should maintain the Fleet vehicle(s) in accordance with this Policy.

## **UNLAWFUL USE OF FLEET VEHICLE**

13.01 An employee, including an unauthorized vehicle operator, using or operating a Fleet vehicle or privately owned vehicle on Muscogee Nation travel or business in any unlawful manner may be subject to prosecution under MCNCA Title 14. Unlawful use of a Fleet vehicle includes but is not limited to:

1. Operating the vehicle without proper authorization;
2. Operating the vehicle while using a controlled dangerous substance, beer or Liquor, as defined in MCNCA Title 14 or MCNCA Title 36;
3. Using the vehicle during an unlawful act;
4. Transporting illegal substances or items;
5. Transporting toxic or harmful substances;
6. Operating in an unsafe or reckless manner;
7. Transporting voters for one (1) specific Muscogee Nation political candidate;
8. Advertising or promoting Muscogee Nation political candidates;
9. Using the vehicle for personal gain; or
10. Texting while driving.

## **REPORTING LOST OR STOLEN VEHICLE OR COMPONENT PARTS**

14.01 In the event a Fleet vehicle or any of its component parts, including license plates, is lost or stolen it is the responsibility of the vehicle operator to report the theft immediately to Lighthorse Police or the appropriate law enforcement agency. The vehicle operator shall complete any required police report(s) and provide a copy of said report(s) to Risk Management as soon as possible. The vehicle operator shall also report the theft to the Fleet Management Department. If the license plates are stolen, the Fleet Management shall notify the Tax Commission.

## **ACCIDENTS: REPORTING AND RESPONSIBILITY**

15.01 **Reporting.** The vehicle operator is responsible for reporting all accidents directly to Risk Management immediately following the accident or as soon as practicable. The vehicle operator is responsible for reporting information pertaining to the accident utilizing the forms provided in the Fleet Vehicle Manual no later than five (5) business days from the date of the accident. The vehicle operator is cautioned not to make statements as to responsibility for the accident except to Risk Management and/or governmental investigating officers.

When an accident has resulted in a fatality, the vehicle operator shall notify Risk Management and provide the following information as soon as possible but no later than forty-eight (48) hours from the time of the accident: vehicle tag number, date, time, location of accident, name of deceased, if known, name of responding law enforcement agency, number of passengers in vehicle, identification of other vehicle and occupants involved, if known, safety belt usage, air bag deployment and any other circumstances surrounding the accident.

15.02 **Repairs.** It is the responsibility of Risk Management to process the accident with the Nation's insurance provider, ensure quality repairs are obtained and completed in a timely manner.

15.03 **Nation Liability.** Whenever a Fleet vehicle is damaged through improper operation, all costs incurred in the removal, repair or replacement of the vehicle will be charged to the Nation. The basis

for determining responsibility for negligence or misconduct that caused damage will be the findings of investigations conducted by and in accordance with this Policy.

15.04 **Personal Liability.** Authorized vehicle operators acting within the scope of their employment are protected against third party claims by Federal Tort Claims Legislation.

15.05 **Unauthorized Vehicle Operator Liability.** An unauthorized vehicle operator involved in an accident assumes full responsibility for the results of his/her actions. The unauthorized vehicle operator shall be financially responsible for any and all deductible costs or other costs that may result from his/her unauthorized use.

15.06 **Withdrawal of Vehicle Support.** A vehicle operator failing to report an accident will have his/her vehicle privileges terminated.

**SPECIAL EQUIPMENT**

16.01 The modification of a Fleet vehicle or the permanent installation of accessory equipment, such as, sirens, lights and/or light bars, two-way or Citizen Band radios, cellular telephones, trash packer bodies or cranes, on a Fleet vehicle may be accomplished only when the request for such modification or installation of accessory equipment is supported by full written justification from the Department and approved by the Fleet Management Department. (NOTE: Permanent installation means the actual bolting, fitting or securing of an item to the vehicle). Such modifications or installation of accessory equipment must be essential for the accomplishment of the Department’s mission and is not to be accomplished on vehicles merely for the personal convenience or comfort of the vehicle operator. The cost of acquisition, installation, maintenance and removal of the accessory equipment; and, the restoration of the Fleet vehicle to its original condition will be at the expense of the Department. The modification or installation of accessory equipment does not automatically exempt the vehicle from rotation with other vehicles because of under/over utilization.

**VEHICLE REPLACEMENT STANDARDS**

**Criteria**

<b>Vehicle Category</b>	<b>Years</b>		<b>Miles</b>
Sedans and Station Wagons	3	and	36,000
	Or 4	and	24,000
	Or 5	and	(any) miles
	Or (any) year	and	75,000
Light Trucks, 4X2	Gasoline	7	or 65,000
	Diesel	8	or 150,000
Light Trucks, 4X4	Gasoline	7	or 65,000
	Diesel	8	or 150,000

Medium Trucks, 4X2, 4X4			
Gasoline	10	or	100,000
Diesel	10	or	150,000
Heavy Trucks, 4X2, 4X4, 6X4, 6X6			
Gasoline	12	or	100,000
Diesel	12	or	250,000
Ambulances			
Gasoline	7	or	70,000
Diesel	7	or	100,000
Buses			
School, Conventional	10	or	250,000
School, FC	10	or	250,000
Transit	12	or	500,000
Coach	15	or	1,000,000

***\*\*The above vehicle replacement standards are the minimum criteria used to determine whether a Fleet vehicle is eligible for replacement and does not guarantee a vehicle will be replaced upon meeting these standards.\*\****

17.01 Fleet Vehicle Sales. The Fleet Management Department utilizes auction contractors to dispose of vehicles that meet the Fleet Management Department vehicle replacement standard. Fleet vehicles are not surplus property; therefore, they are not available to Chartered Indian Communities, Ceremonial Grounds or Muscogee (Creek) Nation Churches.

## **APPLICATION**

18.01 It is the responsibility of every Supervisor to ensure that employees under his/her supervision are fully acquainted with the requirements of this Policy. It is also the responsibility of each employee who operates a vehicle in accordance with this Policy to be fully acquainted with the requirements of this policy. Ignorance of this Policy is no excuse and will not be an accepted reason for not adhering to or complying with the provisions contained in this Policy.

## **POLICY REVIEW**

19.01 This Policy will be reviewed by the Fleet Committee on an annual basis to ensure compliance with the Muscogee (Creek) Nation Code Annotated, as well as federal, state and local statutes and regulations and the Nation's insurance policy.

## **EXCLUSIONS**

20.01 This policy shall not apply to the Lighthorse Police, the Gaming Operations Authority Board and its entities, Muscogee Nation Trade and Commerce Authority and Muscogee Nation Business Enterprise. This Policy shall not apply to the Principal Chief or Second Chief; however, if an employee of either office utilizes a Fleet vehicle, then the Policy shall apply to said employee.

Finally, this Policy shall not apply to the Legislative Branch or the Judicial Branch unless an employee or Civil Officer from said branch utilizes a Fleet vehicle.

**ATTACHMENTS**

- (1) Vehicle Travel Form
- (2) Temporary Assignment Form
- (3) Short Term Assignment Form
- (4) One Day Assignment Form



# Muscogee Creek Nation

## Vehicle Travel Form

\_\_\_\_\_  
Today's Date

\_\_\_\_\_  
Tag#

\_\_\_\_\_  
Requesting Department

\_\_\_\_\_  
Designated Employee

\_\_\_\_\_  
Date of Vehicle Pick up

\_\_\_\_\_  
Expected Date of Return

Reason for Muscogee Nation Travel:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Traveler

\_\_\_\_\_  
Department Supervisor Signature

\_\_\_\_\_  
Fleet Management

\_\_\_\_\_  
Destination

Upon return of this vehicle to the Fleet Center, the person responsible for the vehicle shall clean and refuel the vehicle to the condition in which it was checked out.

\_\_\_\_\_-Beginning Mileage

\_\_\_\_\_- Ending Mileage

Return Condition- \_\_\_\_\_



# Muscogee Creek Nation

## Temporary Assignment Form

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Department Supervisor Signature**

\_\_\_\_\_  
**Requesting Department**

\_\_\_\_\_  
**Requested Vehicle**

\_\_\_\_\_  
**Vehicle Housing Location**

\_\_\_\_\_  
**Estimated Monthly Mileage**

**Reason for Temporary Assignment:**

\_\_\_\_\_  
\_\_\_\_\_

**Authorized Drivers**


**Vehicle Usage Dates**


\_\_\_\_\_  
**Fleet Management**

\_\_\_\_\_  
**Employee Signature**

**Upon return of this vehicle to the Fleet Center, the employee shall clean and refuel the vehicle to the condition in which it was checked out.**

\_\_\_\_\_ -Beginning Mileage                      \_\_\_\_\_ - Ending Mileage

**Return Condition-** \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Returning Department**

\_\_\_\_\_  
**Fleet Management**



# Muscogee Creek Nation

## Short Term Assignment Form

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Requesting Department**

\_\_\_\_\_  
**Requested Vehicle**

\_\_\_\_\_  
**Vehicle Housing Location**

\_\_\_\_\_  
**Department Supervisor Signature**

**Reason for Short Term Assignment:**

\_\_\_\_\_  
\_\_\_\_\_

**Authorized Drivers**


**Vehicle Usage Dates**


\_\_\_\_\_  
**Fleet Management**

\_\_\_\_\_  
**Employee Signature**

**Fleet Management requires at least one month advance notice on all Short Term Assignments.**

**Upon return of this vehicle to the Fleet Management, the employee shall clean and refuel the vehicle to the condition in which it was checked out. All fuel receipts must be turned in to Fleet Management.**

\_\_\_\_\_ -Beginning Mileage                      \_\_\_\_\_ - Ending Mileage

**Return Condition-** \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Fleet Management**



# **Muscogee Creek Nation**

## **One Day Usage Assignment Form**

\_\_\_\_\_  
**Today's Date**

\_\_\_\_\_  
**Vehicle Usage Date**

\_\_\_\_\_  
**Requesting Department**

\_\_\_\_\_  
**Requested Vehicle**

**Reason for One Day Usage Assignment:**

\_\_\_\_\_  
\_\_\_\_\_

**Destination of Vehicle:**

\_\_\_\_\_

\_\_\_\_\_  
**Beginning Mileage**

\_\_\_\_\_  
**Ending Mileage**

\_\_\_\_\_  
**Departure Time**

\_\_\_\_\_  
**Return Time**

\_\_\_\_\_  
**Employee**

\_\_\_\_\_  
**Employee Badge #**

\_\_\_\_\_  
**Fleet Management**

\_\_\_\_\_  
**Department Supervisor Signature**

**Upon return of this vehicle to the Fleet Center, the employee shall clean and refuel the vehicle to the condition in which it was checked out. Vehicle assignment is based on current inventory.**

**APPROVAL**

**As Principal Chief of the Muscogee (Creek) Nation, I hereby approve the attached policy. This document shall replace any and all other existing Fleet Management Policies and Procedures.**

  
\_\_\_\_\_  
**Principal Chief**

*4-2-13*  
\_\_\_\_\_  
**Effective Date**