

WHIPPOORWILL CHAPTER

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PLAN OF OPERATION

FOR

DUMP TRUCK AND EQUIPMENTS

WHIPPOORWILL CHAPTER PLAN OF OPERATION FOR DUMP TRUCK AND EQUIPMENTS

I. ESTABLISHMENT:

This Plan of Operation is adopted by Whippoorwill Chapter (Chapter) in order to regulate the use and operation of the chapter's Dum Truck (Truck) and Heavy Equipment (Equipment). This Plan of Operation shall be interpreted consistent with other applicable Navajo Nation laws, and Navajo Nation and Chapter Policies and Procedures, including the Chapter's Five Management System (FMS).

II. PURPOSE AND SCOPE

The purpose of this Plan of Operation is to benefit the Chapter/Community Membership by providing regulations for the use and maintenance of the Chapter's Truck and Equipment. The Truck and Equipment are the property of the Navajo Nation and are kept in the custody and control of the Chapter, and will become the property of the Chapter upon LGA certification pursuant to 26 N.N.C. § 1, et seq. This Plan of Operation shall be applicable to all accessories used in conjunction with, or as part of the use of, the Truck and Equipment, and any future Equipment acquired by the Chapter or by the Nation on behalf of the Chapter.

III. AUTHORITY:

The Chapter Community Services Coordinator (CSC), or the Chapter Manager (Manager) upon LGA certification of the Chapter, shall administer and enforce this Plan of Operation, as authorized by applicable Navajo Nation laws, and Navajo Nation and Chapter policies and procedures, including the Chapter's FMS, and the Local Governance Act, 26 N.N.C. §2, et seq. This Plan of Operation and the authority of the CSC or Manager hereunder are applicable to all use of the Truck and Equipment by all persons, including Chapter officials.

IV. OWNER AND INSURANCE COVERAGE:

The Chapter has sole custody and control of the Truck and Equipment, and both shall remain the property of the Navajo Nation and in the custody and control of the Chapter until such time as Truck or Equipment is acquired by the Chapter upon LGA certification, or such time as Truck or Equipment is lawfully sold by the Navajo Nation or the Chapter.

Truck and Equipment shall at all times have full-coverage insurance from the Navajo Nation Risk Management Program (RM) in accordance with RM's requirements and

recommendations for similar vehicles and equipment. Insurance for the Truck and Equipment shall be identified in the Chapter's fiscal year budget.

No person shall drive and/or operate Truck or Equipment without proof of individual insurance coverage by RM.

V. SCOPE OF USE AND OPERATION:

The Truck and Equipment shall be used to address matters that impact the Chapter and Community. Acceptable uses shall be determined by the Chapter based on recommendations from the Chapter Community, Chapter Officials, Chapter Staff Community Health Representatives, Senior Citizen Center Staff, Head Start Staff, Schools Transportation Department, Police, and County Officials, and shall include, but not be limited to the following.

- A. Meeting domestic needs of Chapter families by hauling supplies, firewood, food, water, building materials, coal and others;
- B. Providing resources for the benefit of the community and to promote the Community's interest in Health and Safety.
- C. Addressing adverse road conditions and other transportation issues, including erosion, replacing dirt, laying gravel, other related tasks;
- D. Addressing projects and activities related to an official state of emergency as declared by the Chapter or the Navajo Nation;
- E. Addressing Chapter approved Projects and waste disposal issues;
- F. Being prepared for and/or addressing inclement weather conditions; and
- G. Burial Assistance.

To the extent that any undertaking or disturbance by the Chapter using Truck or Equipment triggers the application of any Navajo Nation, state or federal laws, the Chapter shall comply with all applicable laws, including obtaining archeological and environmental clearances as legally required.

For burial assistance, decedent's family must notify the Chapter in advance whether burial will be in a family plot or public cemetery, and the chapter shall ensure that there is no dispute as to the burial site before any use of the Truck or Equipment for that purpose.

The following uses of Truck and Equipment are not permitted:

- A. Driving to business establishments for the sole purpose of conducting personal business;
- B. Commuting between a residence and primary work station;
- C. Transporting family members or non-employees, except for official business of the chapter;
- D. Picking up hitchhikers;
- E. Parking Truck or Equipment at personal residence, project sites, or outside Chapter Community except as authorized by CSC or Manager;
- F. Using Truck or Equipment for benefit of any organization or activity which would reflect badly on the image and character of the Chapter;
- G. Using or operating Truck or Equipment in violation of any Navajo Nation, federal, state or local laws;
- H. Parking Truck or Equipment at any liquor establishment which would reflect badly on the image and character of the Chapter; and,
- I. Any additional driving or operation solely for sightseeing, personal business or pleasure.

The Chapter Community Services Coordinator shall approve usage requests based on the following priorities:

- A. Priority #1:** For addressing officially declared emergencies or other severe conditions including mitigation, preparedness for adverse weather conditions and unforeseen situations, as duly approved by the Chapter by resolution, by consensus of the Chapter officials, or the CSC or Manager.
- B. Priority #2:** Chapter operations and projects upon approval of the CSC or Manager.
- C. Priority #3:** Chapter residents (physical residence required) upon formal request to and approval by the CSC or Manager.
- D. Priority #4:** Non-chapter residents, other chapters and private entities upon formal request to and approval by the CSC or Manager.

VI. GENERAL POLICIES:

- A. CSC or Manager shall work with the Chapter hired Truck and Equipment Operator (“Driver”) to enforce this Plan of Operation and ensure proper maintenance and use of the Truck and Equipment.
- B. Only the Driver shall operate the Truck and Equipment and shall at all times while driving and/or operating the vehicles comply with the following:
 - 1. Carry a valid Arizona State Operator’s Driver License;
 - 2. Carry a valid Navajo Nation Vehicle Operator’s Permit;
 - 3. Carry individual coverage on vehicles provided by Navajo Nation Risk Management Program;
 - 4. Be alert and physically capable of operating vehicles; and
 - 5. Not be under the influence of any drugs or intoxicants.
- C. Absolutely no authorized passenger(s) (no hitchhikers) are allowed in or on the Truck or Equipment. Driver shall be individually liable for any violation of this policy and shall be individually accountable and responsible for any Chapter liability as a result of Driver violating this policy.
- D. In the event of an accident or emergency, the Driver shall:
 - 1. Notify the Navajo Nation police or other proper authorities;
 - 2. Notify the CSC or Manager and Chapter Official;
 - 3. Provide a written report to the CSC and Chapter Official; and,
 - 4. Be ready to provide the following information: Name, location of accident, nature of accident, information about injury to any person, whether an ambulance is necessary.
- E. Conduct at Scene of Accident:
 - 1. Driver shall not move Truck or Equipment until authorized to do so by the investigating officer OR as necessary to prevent serious injury or death.
 - 2. Driver shall secure names and addresses of all available witnesses.
 - 3. Driver shall not engage in any argument or discussion as to who was responsible for the accident, nor express an opinion as to fault.

VII. GENERAL EMPLOYMENT POLICIES AND REQUIREMENTS:

- A. Upon hiring of a new employee, the Community Services Coordinator shall provide an orientation to the new employee. This Plan of Operation for Dump Truck and Equipment and other applicable Plan of Operations for employment with Whippoorwill Chapter shall be used during the orientation.

- B. Driver will be hired under the Chapter's Public Employment Program (PEP) as budgeted with other General Funds for the duration of twelve (12) months or upon availability of Chapter funds as included in the annual Chapter budget.
- C. Applicant for Driver must provide the following as part of their application:
 - 1. Registered Voter Verification
 - 2. CIB – Certificate of Indian Blood
 - 3. Copy of Social Security Card
 - 4. Driving Record, from 3 years back to application. This information shall be obtained by the Applicant from Navajo Nation Law Enforcement Records and ID section.
 - 5. Background checks by the Navajo Nation Office of Background Investigations. Information is available on www.ob.navajo-nsn.gov or at 505-371-5124.
- D. Applicant must possess a State of Arizona Operator's Driver License prior to date of application.
- E. Driver must be honest and have good driving record.
- F. The Chapter shall not hire an individual with the following driving history:
 - 1. Has been convicted of an offense that will result in license revocation;
 - 2. Has been involved in any accident resulting in the death, or personal injury of another, or serious property damage;
 - 3. Has been convicted of serious or request traffic offenses while operating a vehicle, such as, DUI, DWI, or Assault with Deadly Weapon; or
 - 4. Has been convicted of Reckless Driving or disregard for the safety of other persons on the highway or graded roads.
- G. Driver shall work full-time and may have irregular working hours.
- H. In accordance with applicable Navajo Nation laws and policies, a Driver found to be in violation of laws, regulations and procedures in connection with the use of the Truck or Equipment may be subject to the following:
 - 1. For serious violation(s) involving fraudulent use of funds, negligence, recklessness and any other negligent, reckless or willful acts causing destruction of chapter property, driver may be subject to termination and/or prosecution.
 - 2. For lesser offenses of equipment abuse or Driver misconduct, adverse employment action may result.
- I. Any adverse employment action taken against Driver shall be done in accordance with applicable Navajo Nation and Chapter Personnel Management Policies and Procedures. Community Services Coordinator in consultation with the Chapter

Officials shall give notice of any decision, including any decision adversely affecting Driver's employment, in writing, and which shall be at or before the time of any action taken by the Chapter.

VIII. TRUCK AND EQUIPMENT QUALITY AND ASSURANCE:

- A. Service and maintenance of the Truck shall be every 3,000 miles for the Truck, and shall include an oil change, tire rotation, break system check, and top off of fluids, and/or other service as applicable and recommended by manufacturer.
- B. Service and maintenance of Equipment shall be done under contract or further agreement with the dealer, or as designated by CSC or Manager.
- C. Records of all maintenance/repair/assessment and recommendations for the Truck and Equipment shall be kept with the Operator's Manual in the Truck or Equipment.
- D. Truck and Equipment shall be washed regularly, and their interiors shall be kept clean.
- E. Truck and Equipment shall be inspected by Driver prior to and after operation and Driver shall file a weekly inspection sheet every Monday morning.
- F. Truck and Equipment shall be parked in the warehouse or as otherwise designated by the CSC or Manager when not in operation.
- G. A Mileage and/or Hourly Log shall be kept and maintained at all times detailing date, time, destination, purpose, return time for any assignment, and shall be signed or initialed by Driver.
- H. For so long as Truck and Equipment are Navajo Nation property, a Navajo Nation LOGO shall be on the vehicles. At such time as the vehicles become the property of the Chapter, the LOGO shall be the following:

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IX. CHAPTER TRUCK AND EQUIPMENT RENTAL PROCEDURES:

Upon LGA certification by the Chapter pursuant to the Local Governance Act, 26 N.N.C. § 1, et seq., the following rental rates shall apply to the use of the Truck or Equipment, or such other rates as may be approved by the Chapter:

A. RENTAL FEES:

1. Hourly Rate for Truck:
 - \$50.00 + tax per day for chapter registered members.
 - \$40.00 + tax per day for chapter registered elderly members.
2. Heavy Equipment
 - \$50.00 + tax per day for chapter registered members.
 - \$40.00 + tax per day for chapter registered elderly members.
 - No charge for burial assistance.

B. FUND ACCOUNTING:

1. When a person or organization receives approval for equipment use, that person shall be responsible of the equipment only for the project and time approved.
2. The Chapter Account Maintenance Specialist shall collect any rental fee before use of the equipment. NO CREDIT and/or DEBIT CARDS shall be used and NO CREDIT will be given to ANY person or organization under any circumstances:
 - The rental money shall not be loaned or used for any personal expenses or purposes, and shall not be used for obtaining a driver's license, for paying any traffic tickets, fines, costs of accidents or other expenses incurred by Driver.
 - All revenues collected for equipment rental shall be deposited in 01 Chapter Activity General Fund, GL Code 6503.
 - The Chapter shall purchase insurance coverage for the Vehicles and accessories every year.

C. MAINTENANCE AND CARE OF TRUCK AND EQUIPMENT:

1. The Chapter shall be responsible for routine maintenance and repair of the Truck, Equipment, and accessories based on normal wear and tear, provided there was no misuse or abuse by the Driver who shall then be responsible for any maintenance or repairs required as a result of misuse or abuse of the Truck, Equipment or accessories by the driver.
2. The Driver shall carry out routine oil check, fixtures, lubrications, winter-anti-freeze, total fluid check, care of tools, tires, chains, jack, gas cap, window shield wipers, battery, side mirrors, headlights, taillights, turn signals, interior, and like maintenance, and other minor self maintenance as recommended by the Truck and Equipment manuals.

3. Person(s) or organizations wishing to rent the Truck or Equipment will be notified of the Chapter's rental policies. The Driver shall be responsible for the maintenance, protection, and shelter of the Truck or Equipment at all times, including while rented for the use of outside persons or organizations.
4. The Truck and Equipment shall be kept in the Warehouse on the Chapter house premises or at another safe location as designated by the CSC or Manager.

X. FUNDING FOR SERVICE AND REPAIR

- A. The CSC or Manager will approve funds for repair and services based on the availability of funds under the Chapter budget and in accordance with applicable Chapter and Navajo Nation fiscal policies and procedures.
- B. Purchases made by Driver without prior authorization from CSC or Manager shall be limited to fuel, oil, tire repair and very minor maintenance. In the event of a break down during operation, Driver shall call CSC or Manager, is or her designate, before authorized work shall be performed. In the event of an accident or emergency. Driver may take appropriate steps as necessary and shall provide justification for any unauthorized expenses, and submit a police report if applicable.

XI. ASSIGNMENT OF EQUIPMENT AND ACCESSORIES

All pertinent information on Truck and Equipment use, operation, and maintenance shall be documented on an Equipment Form to be approved and kept by the Chapter Administration. The information shall provide justification on the purpose and nature of usage, area of use, and authorized operators. Community Services Coordinator shall approve all Truck and Equipment assignments, and shall conduct periodic evaluations and reassignments as necessary.

XII. SAFETY RULES AND REGULATIONS OF EQUIPMENT AND ACCESSORIES

- A. The safety laws and requirements will change according to safety trends. Any revision shall be by action approval of the Community Services Coordinator:
 1. Only the qualified Driver selected by the Whippoorwill Chapter shall operate the Truck or Equipment.
 2. Safety/Seat belts shall be work while operating the Truck and Equipment.
 3. Equipment shall have a hazard light turned on at all times that Equipment is operated on highways and other public roadways.
 4. Truck and Equipment shall be parked in the Chapter Warehouse after usage for safety. Due to lack of security staff, the Chapter can make other arrangements to provide for security, in accordance with applicable Navajo Nation law and applicable Navajo Nation and Chapter policies.

XIII. AUTHORIZED TRAVEL

Travel shall be in accordance with applicable Navajo Nation and Chapter policies and procedures and the following;

- A. Daily Operations are from Monday to Friday, 8:00 a.m. to 5:00 p.m.
- B. Special operations or projects may be conducted at other times and locations for authorized purposes.
- C. Operation hours:
 - 1. Daily Operations 8:00 a.m. to 5:00 p.m.
 - 2. Special Operation or Other Projects: 6:00 a.m. to 9:00 p.m.
- D. All travel shall be within the Navajo Nation excepted as authorized to the border towns of Winslow, Holbrook, Show Low, Page, and Flagstaff, Arizona, to Gallup and Farmington, New Mexico and to Cortez, Colorado.

XIV. REPORTS

- A. Driver shall documents activities for monthly reports to be given at the Chapter Planning Meeting. Reports shall include the following:
 - 1. Date and time of Truck or Equipment usage and type of project it was used for;
 - 2. Any persons or organizations renting Truck and Equipment if applicable;
 - 3. Number of hours Truck or Equipment was in operation;
 - 4. Current mechanical condition of the equipment;
- B. Any funds received form rental, deposit made, funds withdrawn for fuel, and the current fund balance;
- C. Amount and itemized list of materials purchased for the Truck and Equipment and other expenses incurred; and,
- D. Any problems with rental relating to individual(s), operation of equipment, collection of fees and/or any other related or pertinent information.

XV. OTHER APPLCIABLE LAWS AND POLICIES

Nothing herein shall relieve the Chapter Officials, Administration, staff and other employees of the obligation to comply with all applicable Navajo Nation laws and Navajo Nation Chapter policies and procedures, including but not limited to the Navajo Nation Fleet Management and Property Policies, where applicable.

XVI.AMENDMENTS

Amendments to this Plan of Operation shall be made as deemed necessary at a duly called Chapter Meeting at which a quorum is present.

A. Amended on November 13, 2011

1. Deleted rental fee for non-registered chapter members for the Truck and Equipment.
2. Added J and K in Section V. SCOPE AND USE AND OPERATION

B. Amended on February 23, 2014

1. Changed heading to Dump Truck and Equipments, deleted "Spring" and changed position title for employees throughout the entire Plan of Operation
2. Deleted "the Plan of Operation of the Local Governance Support Center (LGSC) in Section III. AUTHORITY.
3. Added "fiscal year budget" and "building materials, coal" on Page 3/12.
4. Added D.3. in Section VI. GENERAL POLICIES.
5. Added "other General Funds"; "or upon availability of Chapter funds"; C.5.; and I in Section VII. GENERAL EMPLOYMENT POLICIES AND REQUIREMENTS.
6. Added "and maintained" in Section VIII. TRUCK AND EQUIPMENT QUALITY AND ASSURANCE.
7. Added "shall be responsible"; "and/or DEBIT" and B. 2. "all revenues ... GL Code 6503" in Section IX. CHAPTER TRUCK AND EQUIPMENT RENTAL PROCEDURES.