



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155
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UGWA DEMOLUM YATEHE
 Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC RESOLUTION # 1-23-08-A

Emergency Amendments to the Policy and Procedures for Department of Public Works Snow and Ice Removal

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Policy and Procedures For Department of Public Works Snow and Ice Removal (the Policy) was adopted by motion of the Oneida Business Committee on February 18, 1994 and governs snow and ice control objectives and procedures for the Tribe; and

WHEREAS, the Department of Public Works has requested amendments to the Policy which includes adding a definition for "holiday" and amending the compensation and hours for the Department personnel working under the Policy; and

WHEREAS, the Administrative Procedure Act (APA) authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and

WHEREAS, the Oneida Business Committee finds that adopting amendments to the Policy is an emergency situation which requires the immediate passage of amendments to the Policy; and

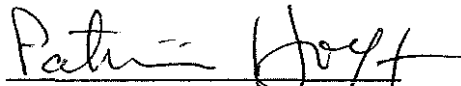
WHEREAS, emergency adoption of the amendments to the Policy are necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the attached Policy and Procedures For Department of Public Works Snow and Ice Removal, as amended, is hereby adopted on an emergency basis.

BE IT FINALLY RESOLVED, that the amendments shall be effective immediately and remain in effect for six (6) months unless extended by the Oneida Business Committee for an additional six (6) months.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 9 Members were present at a meeting duly called, noticed and held on the 23rd day of January, 2007; that the foregoing resolution was duly adopted at such meeting by a vote of 8 members for; 0 members against; 0 member not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section I, the Chair votes "only in the case of a tie."

The document was marked with 89 Deletions, 88 Insertions, 1 Move.

~~POLICY AND PROCEDURES FOR DEPARTMENT OF PUBLIC WORKS-
SNOW AND ICE REMOVAL~~

~~ARTICLE I. Purpose~~

~~1-1. Purpose Snow and Ice Removal Policy for Department of Public Works~~

Article I. Purpose and Policy

1-1. The purpose of this policy is to define and outline snow and ice control objectives and procedures as established by the Oneida Tribe of Indians of Wisconsin.

1-2. ~~In general,~~ It is the intent ~~policy~~ of the Oneida Tribe of Indians of Wisconsin ~~is~~ to provide a uniform understanding of the priorities and procedures used to combat snow and ice related conditions. Each winter storm has unique characteristics that will vary the methodology used to combat ~~the related~~ snow and ice conditions.

~~ARTICLE II. Repeal, Amendment, Adoption~~

2-1. ~~This policy supercedes any and all previously written documents or unwritten policies of the Tribe regarding snow and ice removal.~~

2-2. ~~This policy is to be reviewed and updated annually by the Department of Public Works. Additions or deletions of vehicles and removal sites, review and rearrangement of the priority list and personal assignments shall not need approval~~

Article II. Adoption, Amendment, Repeal

2-1. This policy was adopted by a motion of the Oneida Business Committee on 2-18-94.

2-3. ~~All compensation rates listed in Article V shall supercede any policies or procedures in effect by the Human Resources Department.~~

~~ARTICLE III. Definitions~~

3-1. ~~All words used herein shall use their normal everyday context unless specifically stated otherwise in this Article.~~

3-2. ~~Definitions.~~

~~1. "Tribe" means~~

2-2. This policy may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

2-4. Any policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts

44 with the provisions of this policy is hereby repealed to the extent that it is inconsistent with or is
 45 contrary to this policy.

46 2-5. This policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of
 47 Wisconsin.

48 2.

49 Article III. Definitions

50 3-1. This section shall govern the definitions of words and phrases used within this policy. All
 51 words not defined herein shall be used in their ordinary and everyday sense.

52 (a) "Department" means the Department of Public Works.

53 3.

54 (b) "Director" means the Director of the Department of Public Works or other person given
 55 the authority to make decisions set out in this policy.

56 (c) "Holiday" means a recognized Tribal holiday as listed in the Personnel Policies and
 57 Procedures starting at 12:00 a.m. and ending at 11:59 p.m.

58 (d) "Normal Working Hours" means 8:00 a.m. to 4:30 p.m., Monday through Friday.

59 (e) "Removal Program" means any emergency effort to remove snow and ice that begins
 60 after a snowfall and ends with the completion of clearance of that snowfall that may extend
 61 beyond normal working hours. An emergency effort consists of snowfall or ice build-up
 62 outside of normal conditions are authorized by the Director.

63 ~~4. "Director" means the Director of the Department of Public Works or other person~~
 64 ~~given the authority to make decisions set out in this policy.~~

65 ~~5. "Normal Hours" means the operating hours of the Tribe, from 8:00 a.m. to 4:30 p.m.~~

66 ~~6. "Holiday" means a recognized Tribal holiday as listed in the Policies and Procedures~~
 67 ~~starting at 7:00 a.m. and ending 7:00 a.m.~~

68 ~~7. "Clean-up" means the act of removing snow during non-emergency situations, after~~

70 (f) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.

72 Article IV. General

73 4-1. Once a Removal Program:

75 ~~ARTICLE IV. Policy~~

77 ~~4-1. During snow and ice control operations is initiated, almost all other operations of the~~
 78 ~~Department are of secondary importance once the program is initiated. While, generally, all~~
 79 ~~Removal Programs are performed by the Department personnel, private operations and~~
 80 ~~equipment may be employed in an emergency as determined by the Director.~~

83 ~~5-44-2.~~ Notification of Removal Program. The Director ~~will~~shall authorize the beginning
 84 of a Removal Program. ~~P~~Department personnel ~~will~~shall be notified of new working
 85 hours, shifts, ~~locations, duties~~ and any other ~~non-normal practices that shall apply~~ for
 86 the duration of that Removal Program.
 87

88
89 **ARTICLE** Article V. Compensation and Hours
90

91 ~~5-1. Snow and ice control operations are conducted on a 24-hour basis, seven days a week.~~

92 ~~Therefore, the~~

93 5-1. Department personnel shall be prepared to shift from normal working hours any time it
94 becomes necessary to institute a Removal Program, which may be conducted on a twenty-four (24)
95 hour basis, seven (7) days a week. However, fifteen hour shifts are (15) continuous hours is the
96 maximum lengths that safety standards allow for the Department an individual to continue a Removal
97 Program shift without relief. Compensation for work performed when a Removal Program hours is
98 in place shall be as set out in section 5-3.
99

100 ~~5-2. Normal Hours. Work completed during normal working hours shall be paid at the regular~~
101 ~~rate of pay, provided that it is not an emergency as described in section 5-3.~~

102 ~~5-3. Outside Normal Hours. Any time an employee is expected to work in any under 5-2.~~

103 5-2. Compensation. When Department personnel work during a Removal Program, the following
104 compensation shall apply:

105 ~~1. Over eight hours and/or between 4:30 p.m. to 11:00 p.m. at the rate of time~~
106 ~~and a half plus \$.75 per hour.~~

107 ~~2. Between 11:00 p.m. and 7:00 a.m. at~~

108 ~~(a) During normal working hours, the regular rate of pay, except as provided for under (b).~~

109 ~~(b) Over eight (8) continuous hours and/or outside of normal working hours, the rate of time~~
110 ~~and a half plus \$1.00 per hour.~~

111 ~~3. H~~

112 ~~(c) On a holiday hours at the rate of double time.~~

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116
117
118 **ARTICLE** Article VI. Removal Sites, Priorities, Vehicle Identification, Assignments
119

120 ~~6-1. Removal Sites. Removal sites generally consist of all Tribal parking lots and access to~~
121 ~~those lots. Those listed in this section are given a numerical priority designation from "1"~~
122 ~~to "5".~~

123 ~~1. Plowing out the Department of Public Works "snow plowing" staff.~~

124 ~~2. Anna John Nursing Home/Health Center. Staff workers for the Anna John Nursing~~
125 ~~Home, in the event those staff are unable to drive because of the snow and ice~~
126 ~~emergency, will be transported to and from working during a Removal Program.~~

127 ~~3. Irene Moore Activity Center and New Casino, Gaming Human Resources~~
128 ~~Department - Airview, and Airport Parking Lot.~~

129 ~~4. Tribal Business' inside and outside of the reservation.~~

130 ~~5. Elderly Homes. Elderly homes will be plowed only if the Department is notified~~
131 ~~from Multi-Purpose, provided that it is only in the event the Multi-Purpose Center~~

132 snow plowing vehicle is in-operable.

133
134 6-2. ~~Priority List.~~ The priority list of Removal Sites shall be updated and posted as soon as new
135 properties are acquired by the Tribe. ~~Provided that, the~~ However, the following sites are
136 given priority during a Removal Program:

137 (a) Residences of Department personnel who are part of the Removal Program and unable
138 to report to work because of the snow and/or ice.

139 (b) Anna John Nursing Home shall be the number one priority on any list developed and
140 require removal seven days a week and 24 hours a day.

141
142 6-3. ~~and the Oneida Community Health Center.~~

143 (c) Gaming Facilities and Airview.

144 (d) Tribal Businesses, whether inside or outside of the Reservation boundaries.

145 (e) Elders' Homes. Elders' homes may be plowed only if the Department is notified by the
146 Multi-Purpose Center that the Multi-Purpose Center's snow plowing vehicle is inoperable.

147 6-2. Vehicle Identification and Assignments.

148
149 ~~1.~~ (a) Vehicles shall be given an identification number as soon as it is they are
150 purchased and placed into service.

151 ~~2.~~ (b) Personnel shall be assigned to vehicles in an orderly manner to accomplish
152 twenty-four (24) hour coverage during Removal Programs and to assist the twenty-
153 four (24) hour snow removal priority at the Anna John Nursing Home.

154 ~~3.~~ (c) Vehicles shall be assigned to accomplish the priority snow removal as developed
155 in section under 6-21.

156 ~~4.~~ (d) All vehicle identification and assignments shall be posted and updated as needed.

157
158 ~~6-43.~~ Vehicles Department personnel shall not use Tribal vehicles to:

159
160 ~~1.~~ (a) Plow private driveways or any areas not listed as a Removal Site, except for
161 those locations listed as exceptions in section under 6-1.

162 (b)
163 ~~2.~~ Plow snow across roads from private driveways.

164 ~~3.~~ (c) Pile snow in private driveways.

165 ~~4.~~ (d) Tow or otherwise assist in moving or removing stalled motorists.

166
167 **ARTICLE Article VII. Emergency Situations and Clean-up**

168
169 7-1. The Department, at the request of the Oneida Police Department, may send vehicles to
170 assist in resolution of an emergency during a Removal Program.

171
172 7-2. Clean-up will take place after normal hours at the close of a Removal Program.
173 Compensation shall be as listed in section 5-32.

174
175 7-32. The Department may transfer utilize personnel from the Plumbing Department and the

176 Utilities Department in the event a Removal Program requires additional personnel and
177 equipment.
178

179 ~~ARTICLE~~Article VIII. Equipment and Operator~~Department Personnel~~
180

181 8-1.—~~Equipment operators~~ Department personnel are expected to be knowledgeable about the
182 routes they are plowing. They are to be familiar with existing conditions that would effect
183 the speed or rate at which they plow and ~~should~~shall use every precaution in avoiding
184 plowing practice that would cause damage to private, public or Tribal property and Tribal
185 vehicles.
186

187 8-2.—~~Equipment operators~~ Department personnel are expected to inspect all equipment they use
188 prior to leaving the ~~Public Works~~Department's garage or yard areas to be sure that the
189 equipment is in proper working conditions. ~~Including~~This includes, but is not limited to:
190 brakes, lights, horns, turn signals, plow and/or material handling hydraulics, steering, cutting
191 blades, edges, chains fluid levels, and tires. ~~Operators~~Personnel must check fuel tanks before
192 taking the vehicle into the field. Any malfunction of the equipment, before or during
193 operation, must be reported to the SDirector or a supervisor or Director immediately.
194

195 8-3.—~~Individuals~~ Department personnel operating equipment or vehicles are expected to obey all
196 traffic regulations during snow plowing and snow removal operations. Individuals operating
197 vehicles or equipment who are involved in an accident are required to report the accident to
198 their supervisor immediately and must complete and submit an accident report no later then
199 the end of their shift.
200

201 End.

202
203
204 ~~Approved on~~Adopted by motion of the BC 02-18-94
205
206

Snow and Ice Removal Policy for Department of Public Works

Article I. Purpose and Policy

1-1. The purpose of this policy is to define and outline snow and ice control objectives and procedures as established by the Oneida Tribe of Indians of Wisconsin.

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(e) "Removal Program" means any emergency effort to remove snow and ice that begins after a snowfall and ends with the completion of clearance of that snowfall that may extend beyond normal working hours. An emergency effort consists of snowfall or ice build-up outside of normal conditions are authorized by the Director.

(f) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.

Article IV. General

4-1. Once a Removal Program is initiated, almost all other operations of the Department are of secondary importance. While, generally, all Removal Programs are performed by the Department personnel, private operations and equipment may be employed in an emergency as determined by the Director.

4-2. *Notification of Removal Program.* The Director shall authorize the beginning of a Removal Program. Department personnel shall be notified of new working hours, shifts, duties and any other

45 practices that shall apply for the duration of that Removal Program.

46
47 **Article V. Compensation and Hours**

48 5-1. Department personnel shall be prepared to shift from normal working hours any time it
49 becomes necessary to institute a Removal Program, which may be conducted on a twenty-four (24)
50 hour basis, seven (7) days a week. However, fifteen (15) continuous hours is the maximum length
51 that safety standards allow for an individual to continue a shift without relief. Compensation for
52 work performed when a Removal Program is in place shall be as set out under 5-2.

53 5-2. *Compensation.* When Department personnel work during a Removal Program, the following
54 compensation shall apply:

- 55 (a) During normal working hours, the regular rate of pay, except as provided for under (b).
56 (b) Over eight (8) continuous hours and/or outside of normal working hours, the rate of time
57 and a half plus \$1.00 per hour.
58 (c) On a holiday, the rate of double time.

59
60 **Article VI. Removal Sites, Vehicle Identification, Assignments**

61 6-1. *Removal Sites.* Removal sites generally consist of all Tribal parking lots and access to those
62 lots. The list of removal sites shall be updated and posted as soon as new properties are acquired
63 by the Tribe. However, the following sites are given priority during a Removal Program:

- 64 (a) Residences of Department personnel who are part of the Removal Program and unable
65 to report to work because of the snow and/or ice.
66 (b) Anna John Nursing Home and the Oneida Community Health Center.
67 (c) Gaming Facilities and Airview.
68 (d) Tribal Businesses, whether inside or outside of the Reservation boundaries.
69 (e) Elders' Homes. Elders' homes may be plowed only if the Department is notified by the
70 Multi-Purpose Center that the Multi-Purpose Center's snow plowing vehicle is inoperable.

71 6-2. *Vehicle Identification and Assignments.*

- 72 (a) Vehicles shall be given an identification number as soon as they are purchased and
73 placed into service.
74 (b) Personnel shall be assigned to vehicles in an orderly manner to accomplish twenty-four
75 (24) hour coverage during Removal Programs and to assist the twenty-four (24) hour snow
76 removal priority at the Anna John Nursing Home.
77 (c) Vehicles shall be assigned to accomplish the priority snow removal as developed under
78 6-1.
79 (d) All vehicle identification and assignments shall be posted and updated as needed.

80 6-3. Department personnel shall not use Tribal vehicles to:

- 81 (a) Plow private driveways or any areas not listed as a removal site under 6-1.
82 (b) Plow snow across roads from private driveways.
83 (c) Pile snow in private driveways.
84 (d) Tow or otherwise assist in moving or removing stalled motorists.

85
86 **Article VII. Emergency Situations and Clean-up**

87 7-1. The Department, at the request of the Oneida Police Department, may send vehicles to assist
88 in resolution of an emergency during a Removal Program.

89 7-2. Clean-up will take place after normal hours at the close of a Removal Program. Compensation
90 shall be as listed in section 5-2.

91 7-2. The Department may utilize personnel from the Utilities Department in the event a Removal
92 Program requires additional personnel and equipment.
93

94 **Article VIII. Equipment and Department Personnel**

95 8-1. Department personnel are expected to be knowledgeable about the routes they are plowing.
96 They are to be familiar with existing conditions that would effect the speed or rate at which they
97 plow and shall use every precaution in avoiding plowing practice that would cause damage to
98 private, public or Tribal property and Tribal vehicles.

99 8-2. Department personnel are expected to inspect all equipment they use prior to leaving the
100 Department's garage or yard areas to be sure that the equipment is in proper working condition. This
101 includes, but is not limited to: brakes, lights, horns, turn signals, plow and/or material handling
102 hydraulics, steering, cutting blades, edges, chains fluid levels, and tires. Personnel must check fuel
103 tanks before taking the vehicle into the field. Any malfunction of the equipment, before or during
104 operation, must be reported to the Director or a supervisor immediately.

105 8-3. Department personnel operating equipment or vehicles are expected to obey all traffic
106 regulations during snow plowing and snow removal operations. Individuals operating vehicles or
107 equipment who are involved in an accident are required to report the accident to their supervisor
108 immediately and must complete and submit an accident report no later then the end of their shift.
109

110 *End.*

111
112
113

Adopted by motion of the BC 02-18-94
114