

# Oneida Tribe of Indians of Wisconsin

**Legislative Reference Office**

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

<http://oneida-nsn.gov/LOC>

**Committee Members**

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

December 3, 2014 9:00 a.m.

- I. Call To Order and Approval of the Agenda**
- II. Minutes to be approved**
  - 1. November 19, 2014 LOC Meeting Minutes
- III. Current Business**
  - 1. Agricultural Law
  - 2. Public Use of Tribal Land Amendments
  - 3. Furlough Policy
- IV. New Submissions**
- V. Additions**
- VI. Administrative Updates**
- VII. Executive Session**
- VIII. Recess/Adjourn**

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## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
November 19, 2014 9:00 a.m.

**PRESENT:** Brandon Stevens, Fawn Billie, Tehassi Hill

**EXCUSED:** Jennifer Webster

**OTHERS PRESENT:** Lynn Franzmeier, Candice Skenandore, Danelle Wilson, Fawn Cottrell, RC Metoxen, Rae Skenandore

### I. Call To Order and Approval of the Agenda

Brandon Stevens called the November 19, 2014 Legislative Operating Committee meeting to order at 9:02 a.m.

Motion by Fawn Billie to approve the agenda; seconded by Tehassi Hill. Motion carried unanimously.

### II. Minutes to be approved

#### 1. November 5, 2014 LOC Meeting Minutes

Motion by Fawn Billie to approve the November 5, 2014 LOC Meeting Minutes; seconded by Tehassi Hill. Motion carried unanimously.

### III. Current Business

#### 1. Petition: Judiciary Support System (1:13 – 20:52)

Motion by Tehassi Hill to accept the legislative analysis of the Petition: Judiciary Support System and forward to the Business Committee for consideration with the clarification; seconded by Fawn Billie. Motion carried unanimously.

### IV. New Submissions

### V. Additions

### VI. Administrative Updates

#### 1. Kalihwisaks Article (20:53 – 22:25)

Motion by Fawn Billie to approve the LOC Kalihwisaks Article; seconded by Tehassi Hill. Motion carried unanimously.

### VII. Executive Session

**VIII. Recess/Adjourn**

Motion by Tehassi Hill to adjourn the November 19, 2014 Legislative Operating Committee meeting at 9:26 a.m.; seconded by Fawn Billie. Motion carried unanimously.



# Legislative Operating Committee

## December 3, 2014

### Agricultural Law

**Submission Date:** October 1, 2014

☐ Public Meeting:  
☐ Emergency Enacted:

**LOC Sponsor:** Tehassi Hill

**Summary:** *This is a proposal for the Tribe to consider legislation that would enable the Tribe to identify agricultural products that can be grown on the Reservation, including industrial hemp, in order to exercise the Tribe's sovereignty and pursue economic diversification.*

**10/01/14 LOC:** Motion by Tehassi Hill to add Agricultural Law to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

*Note: Tehassi Hill will be the sponsor.*

**Next Steps:**

- Review and accept the memo from the sponsor regarding the Agricultural Law.

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## Committee Members

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Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

## Memorandum

**TO:** Legislative Operating Committee  
**FROM:** Tehassi Hill *T.H.*  
**DATE:** December 3, 2014  
**RE:** Agriculture Law Update

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On October 1, 2014, the Legislative Operating Committee (LOC) added the Agriculture Law to the active files list with me as the sponsor. This memorandum is to update the LOC on the Agriculture Law and what the next steps will be.

A work group was created in May 2014, with the intent to explore new opportunities in exercising the Tribe's sovereignty in agriculture. Individuals from the Law Office, Land Management, Environmental Department, Internal Services, Finance Department, Agriculture Department, Legislative Reference Office (LRO), as well as my office make up this work group. The work group held a meeting on November 12, 2014 and discussed the following:

- An overview of the LOC's decision to add the Agriculture Law to the active files list;
- Ho Chunk Nation, Confederated Tribes of the Grand Ronde Community of Oregon and the Grand Traverse Band of Ottawa and Chippewa Indians may possibly be considering agriculture laws;
- The idea of importing and exporting products and
- Concentrating on efforts and education on healthy foods.

The LRO is working with my office to come up with a draft and I will bring the draft to the LOC when it is ready.



# Legislative Operating Committee

## December 3, 2014

# Public Use of Tribal Land Amendments

**Submission Date:** September 17, 2014

<input checked="" type="checkbox"/> Public Meeting: 11/06/14 <input checked="" type="checkbox"/> Emergency Enacted: 7/23/14 Expires: 1/23/15
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**LOC Sponsor:** Tehassi Hill

**Summary:** *These proposed amendments would (1) allow Tribal employees who are not Tribal members, and non-Tribal contractors, access to land they were unable to lawfully access in order to complete their assigned duties or contracted work; (2) enable emergency personnel to access Tribal land, when necessary; and (3) give the Environmental Resources Board the ability to grant permission for land access to other individuals/groups not eligible to access certain lands under the Law. Similar amendments to the Law were adopted on an emergency basis on July 23, 2014. The emergency amendments expire on January 23, 2015 if not extended.*

**9/17/14 LOC:** Motion by Jennifer Webster to add the Public Use of Tribal Land Emergency Amendments to the Active Files List with Tehassi Hill as sponsor; seconded by Tehassi Hill. Motion carried unanimously.

**10/15/14 LOC:** Motion by Tehassi Hill to forward the Public Use of Tribal Land Amendments to a November 6, 2014 public meeting; seconded by Fawn Billie. Motion carried unanimously.

**11/06/14:** Public Meeting held. Comments due 11/14/14.

**Next Steps:**

- LOC to review the memo regarding the public meeting and consider forwarding the attached amendments to the OBC for consideration of adoption.

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

Lynn A. Franzmeier, Staff Attorney  
Taniquelle J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



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**Memorandum**

**TO:** Legislative Operating Committee  
**FROM:** Lynn A. Franzmeier, Staff Attorney *LF*  
**DATE:** November 26, 2014  
**RE:** Public Use of Tribal Land Law Amendments: Public Meeting Comment Review

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On November 6, 2014, a public meeting was held regarding amendments to the Public Use of Tribal Land Law (Law). The main amendments to the Law would enable employees of the Tribe who are not Tribal members to access land otherwise restricted to them to complete their assigned duties; give non-Tribal contractors the authority to access land to conduct work activities they were contracted to perform; provide an exception for emergency personnel to access otherwise restricted land as necessary to provide emergency services; and give the Environmental Resource Board the ability to grant permission for land access to other individuals/groups that are not covered by these exceptions.

No public meeting comments were received on the Law and no further amendments to the Law are recommended at this time.

**Conclusion**

No public meeting comments were received on this item and it is recommended the draft be forwarded to the Oneida Business Committee for consideration of adoption.

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## Committee Members

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Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

## Memorandum

**To:** The Oneida Business Committee  
**From:** Brandon Stevens, Legislative Operating Committee Chairperson *BS*  
**Date:** December 3, 2014  
**Re:** REQUEST FOR ACTION: Adoption of Public Use of Tribal Land Law Amendments

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Please find attached the following for your consideration:

1. Resolution: Public Use of Tribal Land Law Amendments
2. Statement of Effect: Public Use of Tribal Land Law Amendments
3. Fiscal Impact: Public Use of Tribal Land Law Amendments
4. Public Use of Tribal Land Law (redline)
5. Public Use of Tribal Land Law (clean)

### Overview

On May 15, 2014, the Oneida Business Committee adopted the Public Use of Tribal Land Law (Law), effective sixty days after adoption. Under the Law and the current Land Access Map, which was adopted by the Environmental Resource Board (ERB) in accordance with the Law, some land is now restricted to the point that (1) employees of the Tribe who are not Tribal members are not able to complete their assigned duties because they cannot access the land without violating the Law; and (2) non-Tribal contractors hired to do work/restoration activities on some of these lands are not able to conduct the work they were contracted to do because they do not have the authority to access the land. In addition, there is concern about whether emergency personnel would be allowed on certain Tribal lands as there is no exception under the Law for emergency situations. The attached amendments address these situations. Finally, the proposed amendments would also give ERB the ability to grant permission for land access to other individuals/groups that are not covered by these exceptions.

The OBC approved these amendments on an emergency basis on July 23, 2014. The LOC held a public meeting on November 6, 2014 in accordance with the Legislative Procedures Act and the fiscal impact and legislative analysis are also attached as required.

### Requested Action

Approve the Resolution: Public Use of Tribal Land Law Amendments.



**BC Resolution \_\_\_\_\_***Public Use of Tribal Land Law Amendments*

**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, Section I of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Business Committee adopted the Public Use of Tribal Land Law (Law) through resolution BC-05-15-14-D, effective sixty days after adoption; and

**WHEREAS,** the Land Access Map, required under the Law, has been adopted by the Environmental Resource Board and designates the Tribe's land as Limited Access, Oneida Community Access, Oneida Tribal Member Access, and Open; and

**WHEREAS,** the land designations prohibit certain individuals from accessing Tribal land if the land is designated as Limited Access, Oneida Community Access, or Oneida Tribal Member Access; and

**WHEREAS,** amendments to the Law would grant access to Tribal land to the following persons, regardless of the land designation: Tribal employees who are performing job duties; individuals required to access Tribal land in order to satisfy their grant or contractual obligations on behalf of the Tribe; emergency personnel providing or attempting to provide services; and persons with Environmental Resource Board approval; and

**WHEREAS,** the amendments would also enable authorized employees to escort individuals who are not otherwise authorized to access a parcel of land designated as Oneida Community Access; and

**WHEREAS,** a public meeting on the proposed amendments was held on November 6, 2014 in accordance with the Legislative Procedures Act.

**NOW THEREFORE BE IT RESOLVED,** that the following amendments to the Public Use of Tribal Land Law are hereby adopted:

38.5-1(b) Oneida Community Access: Lands designated as "Oneida Community Access" shall be open to Tribal members, and their spouses and descendants; members of other

federally recognized Indian tribes, bands or communities; authorized employees of the Tribe; and persons who are accompanied at all times by a Tribal member, ~~or~~ the spouse or descendant of a Tribal member, or an authorized employee of the Tribe; or authorized employees of the Tribe.

...

38.5-2. Notwithstanding the restrictions of 38.5-1, nothing in this Law shall be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

(a) Employees of the Tribe who are performing their job duties;

(b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Tribe;

(c) Emergency personnel who are providing, or attempting to provide, services; and

(d) Those persons who have been granted access to the land by the Environmental Resource Board.

38.5-~~23~~. ...

38.5-~~34~~. ...

38.5-~~45~~. ...

### 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. \_\_\_\_\_ members were presents at a meeting duly called, noticed and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014; that the foregoing resolution was duly adopted at such meeting by a vote of \_\_\_\_\_ for; \_\_\_\_\_ members against, and \_\_\_\_\_ members not voting; and that said resolution has not been rescinded or amended in any way.

\_\_\_\_\_  
Lisa Summers, Tribal Secretary  
Oneida Business Committee

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

# Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Lynn A. Franzmeier, Attorney  
Taniquele J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



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## Statement of Effect

### *Public Use of Tribal Land Law Amendments*

#### *Summary*

This Resolution adopts amendments to the Public Use of Tribal Land Law to expand access to Tribal land in situations involving employees of the Tribe, individuals who are performing grant or contractual obligations on Tribal land and on behalf of the Tribe, emergency personnel and individuals who receive the approval of the Environmental Resource Board.

*Submitted by Lynn A. Franzmeier, Staff Attorney, Legislative Reference Office*

#### *Analysis from Legislative Reference Office*

This Resolution adopts amendments to the Public Use Tribal Land Law (Law), which was adopted through resolution BC-05-15-14-D and became effective July 15, 2014. This Law enables the Tribe to fine individuals who improperly access, use and/or trespass on Tribal lands. The Environmental Resource Board has created a Land Access Map which has designated Tribal lands as Limited Access, Oneida Community Access, Oneida Tribal Member Access and Open Access. Other than Open Access lands, these designations limit who is eligible to access and/or use the Tribal Land. However, in restricting the use of certain Tribal lands to a limited group of individuals, the Law also prevents employees of the Tribe and persons who have grant or contractual obligations on the Tribal land from accessing the Tribal land to perform their job duties and/or obligations. In addition, no exceptions to the Law are made for emergency personnel or other situations that may not have been discovered.

The proposed amendments to this Law would specifically allow employees of the Tribe to access land to do their jobs, regardless of the land designation. In addition, individuals who are performing grant or contractual duties related to the Tribal land and on behalf of the Tribe, and emergency personnel providing, or attempting to provide, services will also be allowed to access Tribal land as necessary. Finally, the Environmental Resource Board is given the authority to grant access to Tribal land to any person.

An additional amendment to the Law would enable authorized employees of the Tribe to escort other individuals on Oneida Community Access land. The Law currently allows authorized employees to access this land; however, there are no provisions allowing the employee to be accompanied by other individuals. This amendment was requested specifically to ensure that tours of the Reservation can continue to be provided by non-Oneida employees of the Tribe.

These amendments were adopted on an emergency basis on July 23, 2014 and, if permanent amendments are not adopted or the emergency amendments are not extended by January 23, 2014, the emergency amendments will expire. A public meeting on the proposed amendments was held on November 6, 2014, in accordance with the Legislative Procedures Act.

***Conclusion***

Adoption of this Resolution would not conflict with Tribal law.

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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## ONEIDA FINANCE OFFICE

Office: (920) 869-4325 • Toll Free: 1-800-236-2214  
FAX # (920) 869-4024

## MEMORANDUM

DATE: November 25, 2014  
FROM: Rae Skenandore, Project Manger  
TO: Larry Barton, Chief Financial Officer  
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer  
RE: **Financial Impact of Public Use of Tribal Land Law**

### I. Background

The purpose of the law is to prevent improper access, use and trespass on Tribal lands. It is further intended that this law protect and preserve the environment and natural resources including land, forests, wildlife, air and waters, through appropriate uses of land. A public hearing was held on December 6<sup>th</sup> of 2012. The Environmental Resource Board (ERB) created and adopting the Land Access Maps and the law was approved on May 15, 2014. OBC Resolution 5-15-14D sets out a schedule of fines for violations. Amendments were requested to resolve access related issues.

### II. Executive Summary of Findings

The amendments are intended to clarify definitions related to "Oneida Community Access", "Oneida Tribal Member Access", and "Limited Access" so that the appropriate personnel are not denied access, i.e. Tribal employees, personnel performing grant of contractual obligations, emergency personnel and individuals granted access by ERB. No start-up costs are needed to implement the amendments. No additional personnel are needed.

### III. Financial Impact

No fiscal impact.

### III. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has full information with which to render a decision.

## CHAPTER 38 PUBLIC USE OF TRIBAL LAND

38.1. Purpose and Policy  
38.2. Adoption, Amendment, Repeal  
38.3. Definitions  
38.4. Environmental Resource Board

38.5. Land Access Map  
38.6. Trespass  
38.7. Violations and Appeals

<i>Analysis by the Legislative Reference Office</i>					
Title	Public Use of Tribal Land Law (The Law)				
Requester	Environmental Health & Safety Division	Drafter	Lynn Franzmeier	Analyst	Tani Thurner
Reason for Request	To create limited exceptions to the restricted access for certain designated types of land. Amendments have been adopted on an emergency basis; this proposal now seeks to make those amendments permanent.				
Purpose	Regulating access to Tribal lands to prevent improper use, access and trespass.				
Authorized/ Affected Entities	Environmental Resource Board (ERB) has primary implementation and enforcement responsibilities. The Environmental Health and Safety Division, Division of Land Management, Geographic Land Information Systems and "other designated agencies of the Tribe" are responsible for coordinating with ERB in developing a Land Access Map. Conservation Wardens and Oneida Police Officers issue citations for violations.				
Due Process	Citations can be contested through a hearing held before ERB				
Related Legislation	OBC Resolution #05-15-14-D sets out a schedule of fines for violations.				
Policy Mechanism	Posting signs on lands that identify how that land is designated.				
Enforcement	Conservation Wardens and Oneida Police Officers are authorized to issue citations for violations of this Law, ERB is given authority to conduct hearings as an original hearing body when a citation is appealed.				

### Overview

The proposed amendments to the Law (the Amendments) have been requested in order to resolve access-related issues that could arise under the current Law.

### Proposed Amendments

#### *Community Access to include persons accompanying an authorized employee*

Under the permanent version of the Law - as adopted by the OBC on May 15, 2014 - some Tribal lands are designated as "Oneida Community Access" which means those lands can only be accessed by Tribal members and their spouses/descendants, members of other Indian tribes, authorized employees of the Tribe, and persons accompanied at all times by a Tribal member or a Tribal member's spouse or descendant. However, some tours of the Reservation may enter Oneida Community Access land. If the tour guide is a Tribal employee who is not a Tribal member or a spouse/descendant, then under the current Law that employee may be authorized to access those lands, but the tourists would still not be eligible to access those lands. The amendments resolve this by expanding Oneida Community Access to include persons who are accompanied at all times by an employee of the Tribe. [38.5-1(b)]

#### *Other Exceptions*

For OBC consideration (redline)

12/10/14

The Law also permits lands to be designated as “Oneida Tribal Member Access” – accessible by Tribal members only, and “Limited Access” – accessible only when the Tribe grants a permit or lease for specified purposes. However, there are situations where persons may need to enter Community Member, Limited, or Tribal Member Access-designated lands. To address this, a provision is added to clarify that this Law should not be construed as preventing the following persons from entering Tribal land, regardless of its designation:

- Tribal employees performing job duties.
- Persons performing grant or contractual obligations related to the Tribal land and on behalf of the Tribe
- Emergency personnel who are providing, or attempting to provide, services.
- Persons granted access by the Environmental Resource Board. [38.5-2]

### Miscellaneous

These amendments were adopted on an emergency basis on July 23, 2014, and are set to expire on January 23, 2015; unless the emergency adoption is extended an additional six months or the amendments are permanently adopted.

A public meeting was held on November 6, 2014, however no comments were received from either the public meeting or the public comment period that followed.

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## CHAPTER 38 PUBLIC USE OF TRIBAL LAND

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### 38.1. Purpose and Policy

38.1-1. *Purpose.* The purpose of this Law is to prevent improper access, use and trespass to Tribal lands.

38.1-2. *Policy.* It is the policy of the Tribe to limit access to Tribal land to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land.

### 38.2. Adoption, Amendment, Repeal

38.2-1. This Law is adopted by the Oneida Business Committee by resolution BC-05-15-14-C and shall be effective sixty (60) days after adoption.

38.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

38.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

38.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law shall control.

38.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

38.2-6. This Law shall not be construed to preclude the Tribe from pursuing relief for criminal trespass under applicable law.

For OBC consideration (redline)  
12/10/14

45  
46 **38.3. Definitions**

47 38.3-1. This section shall govern the definitions of words and phrases used within this Law. All  
48 words not defined herein shall be used in their ordinary and everyday sense.

49 (a) "Designation" means the term used to describe the type of access granted to certain  
50 Tribal lands.

51 (b) "Lease" means any lease or agreement, including business site leases, entered into by  
52 the Tribe and any person to allow the use of Tribal lands.

53 (c) "Person" means any individual, group of individuals, corporation, partnership,  
54 limited liability company, or any other form of business organization.

55 (d) "Reservation" means all the lands and waters within the exterior boundaries of the  
56 Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838  
57 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

58 (e) "Trespass" means the unauthorized use or entry on Tribal lands, including  
59 unauthorized uses under a Tribal law, permit or lease.

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

61 (g) "Tribal land" means all Tribal trust lands, and any land or interest in land held by the  
62 Oneida Tribe in fee or in any other form on the Reservation.  
63

64 **38.4. Environmental Resource Board**

65 38.4-1. The Environmental Resource Board shall have the duty and power to carry out the intent  
66 and purposes of this Law and enforce the provisions of this Law. The Environmental Resource  
67 Board, or its designated staff, shall:

68 (a) Develop, approve and maintain the Land Access Map.

69 (b) Hold public hearings on proposed amendments to the Land Access Map.

70 (c) Hear and decide, as the original hearing body, contested cases that may arise under  
71 this Law.

72 (d) Impose hearing costs and restitution against the person for damages caused by a  
73 violation of this Law.

74 (e) Determine which Tribal land will be posted and ensure the appropriate signs are  
75 posted.

76 (f) Implement and interpret the provisions of this Law.  
77

78 **38.5. Land Access Map**

79 38.5-1. *Designation of Tribal Lands.* A Land Access Map shall be created which designates  
80 Tribal land as one (1) of the following:

81 (a) Limited Access: Lands designated as "Limited Access" shall be open to all persons  
82 who are granted land access permission by the Tribe through a permit or lease for  
83 specified purposes. The Environmental Resource Board may choose to designate a  
84 portion of land as Limited Access in order to manage, preserve and protect that land for  
85 environmental, cultural or other significance.

86 (b) Oneida Community Access: Lands designated as "Oneida Community Access" shall  
87 be open to Tribal members, and their spouses and descendants; members of other



For OBC consideration (redline)

12/10/14

federally recognized Indian tribes, bands or communities; authorized employees of the Tribe; and persons who are accompanied at all times by a Tribal member, ~~or~~ the spouse or ~~descendent~~descendant of a Tribal member, ~~or~~ an authorized ~~employees~~employee of the Tribe.

(1) A Conservation Warden or Oneida Police Officer may require a person to demonstrate proof of eligibility to use Oneida Community Access lands.

(2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.

(c) Oneida Tribal Member Access: Land designated as "Oneida Tribal Member Access" shall be open to Tribal members only. The Environmental Resource Board may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural and/or environmental significance of the land.

(d) Open: Lands designated as "Open Access" shall be generally open to all persons for the land's designated use and enjoyment. The Environmental Resource Board may designate land as Open Access where such designation is deemed beneficial to the Tribe and where such designation does not pose significant risk of damage to the policies of the Tribe and/or the land's cultural or environmental preservation.

38.5-2. Notwithstanding the restrictions of 38.5-1, nothing in this Law shall be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

(a) Employees of the Tribe who are performing their job duties;

(b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Tribe;

(c) Emergency personnel who are providing, or attempting to provide, services; and

(d) Those persons who have been granted access to the land by the Environmental Resource Board.

38.5-3. Development of the Land Access Map. The Environmental Resource Board shall develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Tribe. The Environmental Resource Board shall adopt the initial Land Access Map.

~~38.5-34.~~ *General Land Designation.* Unless otherwise designated, Tribal Land shall be designated as Limited Access.

~~38.5-45.~~ *Amending the Land Access Map.* The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration shall be made for the intent and purposes of the designation.

(a) Amendments may be proposed by any person by filing an application with the Environmental Resource Board in such format and accompanied by such information as required by the Board.

(b) *Public Hearing.* The Environmental Resource Board shall hold a public hearing on each application to amend the Land Access Map.

For OBC consideration (redline)

12/10/14

(1) The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.

(A) *Notice*. Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, shall be:

(i) published in the Tribal newspaper; and

(ii) mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

(B) Any person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.

(C) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.

(2) The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.

(3) The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:

(A) Existing uses of the land and buildings within the general area of the land in question.

(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.

(4) The Environmental Resource Board shall not amend the Land Access Map unless it finds that adopting such amendment is in the Tribe's best interest and is not solely for the interest of the applicant.

(c) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments shall require a two-thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:

(1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or

(2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

### **38.6. Trespass**

38.6-1. A person trespasses if the person enters or otherwise occupies Tribal land and:

(a) Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so.

For OBC consideration (redline)

12/10/14

(b) Enters upon such land after being noticed by the landowner or occupant that permission for the person to enter such land does not exist, or has been expressly denied or revoked. A person has been noticed that permission by the landowner or occupant for such person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Tribal website and/or in the Tribal newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:

(1) A sign at least eleven (11) inches square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person is the holder of legal title to the land or by the word "occupant" if the person is a lawful occupant of the land, but not the holder of legal title.

(2) Markings at least one (1) foot long and, in a contrasting color, the phrase "private land" and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.

(c) Does any of the following without proper authorization through a lease, permit or as otherwise required under applicable law:<sup>1</sup>

(1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.

(2) Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.

(3) Engages in any act, or attempted act of hunting, trapping or fishing.

(4) Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.

(5) Erects, puts up, fastens, prints, or paints upon another's property, notices, advertisements, signs or other writing designed to communicate to the general public.

(6) Parks or drives any vehicle on the land.

(7) Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.

(8) Uses or possesses leased or subleased lands beyond the possessory rights granted by such lease or sublease.

(9) Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.

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<sup>1</sup> Current Tribal laws that authorize conduct described in 38.6-1(c): Chapter 12, Protection and Management of Archeological and Historical Resources; Chapter 34, Oneida Tribal Regulation of Domestic Animals Ordinance; Chapter 40, Tribal Environmental Response Law; Chapter 42, Wood Cutting Ordinance; Chapter 44, Recycling and Solid Waste Disposal; Chapter 45, Hunting, Fishing and Trapping Law; Chapter 49: All-Terrain Vehicle Law; Chapter 69, Zoning and Shoreland Protection Law.

For OBC consideration (redline)  
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**38.7. Violations and Appeals**

38.7-1. *Issuance of a Citation.* Any person who violates any provision of this Law shall be guilty of a civil infraction, and shall be issued a citation, in writing, by a Conservation Warden or Oneida Police Officer. The issuance of a citation or fine under any other law relating to the same or any other matter shall not preclude the issuance of a citation under this Law.

(a) The Oneida Business Committee, upon recommendation of the Environmental Resource Board, shall adopt a citation schedule.

(b) The citation shall specify the date, time and place of the hearing to contest the citation. The hearing shall take place at least five (5) business days after the citation is issued.

(c) The citation shall also state that the Environmental Resource Board may, in addition to the citation, impose hearing costs and restitution against the person for damages caused by a violation of this Law.

38.7-2. *Citation Hearing.* Any person issued a citation under this Law may contest the citation by attending a hearing before the Environmental Resource Board. The person may appear in person, or be represented by an agent, advocate or attorney.

(a) If the person does not wish to contest the citation, he or she shall pay the citation by the hearing date specified on the citation.

(b) After the hearing, the Environmental Resource Board shall:

(1) determine whether the person is responsible for the citation, as was issued;

(2) determine whether to impose hearing costs and/or restitution against the person for the value of any damage caused by a violation of this Law; and

(3) set a new date for when the citation, hearing costs and/or restitution shall be paid, if necessary.

(c) Any restitution funds received shall be used to repair the damages caused by a violation of this Law.

38.7-3. *Appeals from the Environmental Resource Board Decision.* Any party of interest may appeal a decision of the Environmental Resource Board to the Tribe's judicial system.

*End.*

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Adopted – BC-05-15-14-C

## CHAPTER 38 PUBLIC USE OF TRIBAL LAND

38.1. Purpose and Policy  
38.2. Adoption, Amendment, Repeal  
38.3. Definitions  
38.4. Environmental Resource Board

38.5. Land Access Map  
38.6. Trespass  
38.7. Violations and Appeals

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### 38.1. Purpose and Policy

38.1-1. *Purpose.* The purpose of this Law is to prevent improper access, use and trespass to Tribal lands.

38.1-2. *Policy.* It is the policy of the Tribe to limit access to Tribal land to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land.

### 38.2. Adoption, Amendment, Repeal

38.2-1. This Law is adopted by the Oneida Business Committee by resolution BC-05-15-14-C and shall be effective sixty (60) days after adoption.

38.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

38.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

38.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law shall control.

38.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

38.2-6. This Law shall not be construed to preclude the Tribe from pursuing relief for criminal trespass under applicable law.

### 38.3. Definitions

38.3-1. This section shall govern the definitions of words and phrases used within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Designation" means the term used to describe the type of access granted to certain Tribal lands.

(b) "Lease" means any lease or agreement, including business site leases, entered into by the Tribe and any person to allow the use of Tribal lands.

(c) "Person" means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.

(d) "Reservation" means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(e) "Trespass" means the unauthorized use or entry on Tribal lands, including unauthorized uses under a Tribal law, permit or lease.

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

(g) "Tribal land" means all Tribal trust lands, and any land or interest in land held by the Oneida Tribe in fee or in any other form on the Reservation.

For OBC consideration (clean)  
12/10/14

**38.4. Environmental Resource Board**

38.4-1. The Environmental Resource Board shall have the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law. The Environmental Resource Board, or its designated staff, shall:

- (a) Develop, approve and maintain the Land Access Map.
- (b) Hold public hearings on proposed amendments to the Land Access Map.
- (c) Hear and decide, as the original hearing body, contested cases that may arise under this Law.
- (d) Impose hearing costs and restitution against the person for damages caused by a violation of this Law.
- (e) Determine which Tribal land will be posted and ensure the appropriate signs are posted.
- (f) Implement and interpret the provisions of this Law.

**38.5. Land Access Map**

38.5-1. *Designation of Tribal Lands.* A Land Access Map shall be created which designates Tribal land as one (1) of the following:

- (a) Limited Access: Lands designated as “Limited Access” shall be open to all persons who are granted land access permission by the Tribe through a permit or lease for specified purposes. The Environmental Resource Board may choose to designate a portion of land as Limited Access in order to manage, preserve and protect that land for environmental, cultural or other significance.
- (b) Oneida Community Access: Lands designated as “Oneida Community Access” shall be open to Tribal members, and their spouses and descendants; members of other federally recognized Indian tribes, bands or communities; authorized employees of the Tribe; and persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Tribe.
  - (1) A Conservation Warden or Oneida Police Officer may require a person to demonstrate proof of eligibility to use Oneida Community Access lands.
  - (2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.
- (c) Oneida Tribal Member Access: Land designated as “Oneida Tribal Member Access” shall be open to Tribal members only. The Environmental Resource Board may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural and/or environmental significance of the land.
- (d) Open: Lands designated as “Open Access” shall be generally open to all persons for the land’s designated use and enjoyment. The Environmental Resource Board may designate land as Open Access where such designation is deemed beneficial to the Tribe and where such designation does not pose significant risk of damage to the policies of the Tribe and/or the land’s cultural or environmental preservation.

38.5-2. Notwithstanding the restrictions of 38.5-1, nothing in this Law shall be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

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- (a) Employees of the Tribe who are performing their job duties;
- (b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Tribe;
- (c) Emergency personnel who are providing, or attempting to provide, services; and
- (d) Those persons who have been granted access to the land by the Environmental Resource Board.

38.5-3. *Development of the Land Access Map.* The Environmental Resource Board shall develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Tribe. The Environmental Resource Board shall adopt the initial Land Access Map.

38.5-4. *General Land Designation.* Unless otherwise designated, Tribal Land shall be designated as Limited Access.

38.5-5. *Amending the Land Access Map.* The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration shall be made for the intent and purposes of the designation.

(a) Amendments may be proposed by any person by filing an application with the Environmental Resource Board in such format and accompanied by such information as required by the Board.

(b) *Public Hearing.* The Environmental Resource Board shall hold a public hearing on each application to amend the Land Access Map.

(1) The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.

(A) *Notice.* Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, shall be:

(i) published in the Tribal newspaper; and

(ii) mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

(B) Any person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.

(C) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.

(2) The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.

(3) The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:

For OBC consideration (clean)

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(A) Existing uses of the land and buildings within the general area of the land in question.

(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.

(4) The Environmental Resource Board shall not amend the Land Access Map unless it finds that adopting such amendment is in the Tribe's best interest and is not solely for the interest of the applicant.

(c) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments shall require a two-thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:

(1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or

(2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

### 38.6. Trespass

38.6-1. A person trespasses if the person enters or otherwise occupies Tribal land and:

(a) Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so.

(b) Enters upon such land after being noticed by the landowner or occupant that permission for the person to enter such land does not exist, or has been expressly denied or revoked. A person has been noticed that permission by the landowner or occupant for such person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Tribal website and/or in the Tribal newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:

(1) A sign at least eleven (11) inches square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person is the holder of legal title to the land or by the word "occupant" if the person is a lawful occupant of the land, but not the holder of legal title.

(2) Markings at least one (1) foot long and, in a contrasting color, the phrase "private land" and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.

(c) Does any of the following without proper authorization through a lease, permit or as otherwise required under applicable law:<sup>1</sup>

<sup>1</sup> Current Tribal laws that authorize conduct described in 38.6-1(c): Chapter 12, Protection and Management of Archeological and Historical Resources; Chapter 34, Oneida Tribal Regulation of Domestic Animals Ordinance; Chapter 40, Tribal Environmental Response Law; Chapter 42, Wood Cutting Ordinance; Chapter 44, Recycling and



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- (1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.
- (2) Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.
- (3) Engages in any act, or attempted act of hunting, trapping or fishing.
- (4) Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.
- (5) Erects, puts up, fastens, prints, or paints upon another's property, notices, advertisements, signs or other writing designed to communicate to the general public.
- (6) Parks or drives any vehicle on the land.
- (7) Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.
- (8) Uses or possesses leased or subleased lands beyond the possessory rights granted by such lease or sublease.
- (9) Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.

### 38.7. Violations and Appeals

38.7-1. *Issuance of a Citation.* Any person who violates any provision of this Law shall be guilty of a civil infraction, and shall be issued a citation, in writing, by a Conservation Warden or Oneida Police Officer. The issuance of a citation or fine under any other law relating to the same or any other matter shall not preclude the issuance of a citation under this Law.

(a) The Oneida Business Committee, upon recommendation of the Environmental Resource Board, shall adopt a citation schedule.

(b) The citation shall specify the date, time and place of the hearing to contest the citation. The hearing shall take place at least five (5) business days after the citation is issued.

(c) The citation shall also state that the Environmental Resource Board may, in addition to the citation, impose hearing costs and restitution against the person for damages caused by a violation of this Law.

38.7-2. *Citation Hearing.* Any person issued a citation under this Law may contest the citation by attending a hearing before the Environmental Resource Board. The person may appear in person, or be represented by an agent, advocate or attorney.

(a) If the person does not wish to contest the citation, he or she shall pay the citation by the hearing date specified on the citation.

(b) After the hearing, the Environmental Resource Board shall:

- (1) determine whether the person is responsible for the citation, as was issued;
- (2) determine whether to impose hearing costs and/or restitution against the person for the value of any damage caused by a violation of this Law; and

For OBC consideration (clean)  
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206 (3) set a new date for when the citation, hearing costs and/or restitution shall be  
207 paid, if necessary.

208 (c) Any restitution funds received shall be used to repair the damages caused by a  
209 violation of this Law.

210 38.7-3. *Appeals from the Environmental Resource Board Decision.* Any party of interest may  
211 appeal a decision of the Environmental Resource Board to the Tribe's judicial system.

212  
213 *End.*

214  
215 

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Adopted – BC-05-15-14-C  
216



# Legislative Operating Committee

## December 3, 2014

### Furlough Policy

**Submission Date:** October 15, 2014

☐ Public Meeting:  
☐ Emergency Enacted:

**LOC Sponsor:** Fawn Billie

**Summary:** *During the prior term, the OBC adopted a policy on an emergency basis that set out a process allowing tribal employees to be furloughed as a cost-containment measure. The emergency adoption/extension expired on October 15, 2014, however on October 8, 2014, the OBC directed the LOC to continue developing a permanent policy that allowed for furloughs.*

**09/17/14 LOC:** Motion by Jennifer Webster to not add the Furlough Policy Emergency Adoption to the Active Files List and to provide the Oneida Business Committee a memo stating that it is the intent of the Legislative Operating Committee to let the emergency adoption expire; seconded by Tehassi Hill. Motion carried unanimously.

**10/8/14 OBC:** Motion by Lisa Summers to accept the Legislative Operating Committee update with the following answers:  
 3) With regard to the Furlough Policy, the Business Committee agrees that the LOC should move forward with the development of a permanent policy.  
 seconded by Trish King. Motion carried unanimously.

**10/15/14 LOC:** Motion by Jennifer Webster to add the Furlough Policy to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

*Note: Fawn Billie will be the sponsor for this item.*

#### Next Steps:

- Review the draft law, make any necessary changes and defer for a fiscal and legislative analysis.

## Furlough Policy

Article I. Purpose and Policy  
Article II. Adoption, Amendment, Repeal  
Article III. Definitions  
Article IV. Furlough

Article V. Furlough Plans  
Article VI. Supervisor Responsibilities  
Article VII. Appeal

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### Article I. Purpose and Policy

1-1. *Purpose.* The purpose of this Policy is to enable the Tribe to implement a furlough as a tool to remedy an operating budget deficit.

1-2. *Policy.* This Policy shall apply to all employees of the Tribe. To utilize a furlough, a decrease or lapse of revenue or funding and/or any other budget situation warranting an unpaid leave shall be identified.

### Article II. Adoption, Amendment, Repeal

2-1. This Policy was adopted by the Oneida Business Committee by resolution BC \_\_\_\_\_.

2-2. This Policy may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

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. In the event of a conflict between a provision of this Policy and a provision of another policy, the provisions of this Policy shall control.

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

### Article III. Definitions

3-1. This Article shall govern the definitions of words or phrases as used within this Policy. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Employee" shall mean any individual who is employed by the Tribe and is subject to the direction and control of the Tribe with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship. "Employee" includes, but is not limited to, individuals employed by any program or enterprise of the Tribe, politically appointed employees and temporary employees.

(b) "Furlough" shall mean a temporary, unpaid leave from work for a specified period of time.

(c) "General Manager Level position" shall mean the highest level in the chain of command under the Oneida Business Committee and who is responsible for a Tribal Department and/or Division.

(d) "Supervisor" shall mean a person who directly oversees the work and performance of an employee on a daily basis.

(e) "Tribe" shall mean the Oneida Tribe of Indians of Wisconsin.

### Article IV. Furlough

4-1. *Furlough Resolution.* If the Oneida Business Committee has identified the necessity for a furlough, a directive by resolution shall be given to the appropriate General Manager Level positions.

Draft 1  
12/03/14

(a) The resolution shall direct the beginning and ending dates of the furlough.

(b) A furlough shall not extend beyond a period of six (6) months, unless the furlough is extended for an additional six (6) months by resolution of the Oneida Business Committee.

4-2. *Implementation of Furlough Plans.* Upon the passage of a resolution directing that a furlough be implemented, all General Manager Level positions shall immediately carry out the furlough plans for his or her respective departments or agencies.

(a) Furloughs shall be scheduled in a way that allows the departments to continue to provide a basic level of service.

(b) An employee shall be furloughed on days that the employee is normally scheduled to work or on holidays recognized by the Tribe, whether the employee is normally scheduled to work or not.

4-3. *Notice.* A supervisor shall give an employee notice at least five (5) business days prior to a furlough being implemented for his or her position.

4-4. *Continuous Service.* A furlough shall not constitute a break in continuous service. Employees are prohibited from performing any work for the Tribe while furloughed. This includes responding to work-related e-mail and voice mail, as well as traveling on behalf of the Tribe.

4-5. *Unemployment.* Eligibility for unemployment insurance benefits is determined by the State of Wisconsin. Furloughed employees shall be responsible for contacting the State of Wisconsin Department of Workforce Development to determine if they qualify for unemployment insurance benefits.

4-6. *Payroll Deductions.* An employee on furlough shall work with his or her supervisor, accounting and any other necessary departments and agencies to determine which previously authorized optional payroll deductions will continue to be deducted during the furlough period. Any deductions discontinued during a furlough shall be the responsibility of the employee.

4-7. *Benefits.* Employees shall not use personal or vacation time when on furlough. Employees shall continue to receive benefits during a furlough in the same manner as an employee on an unpaid leave of absence receives benefits.

4-8. *Overtime and Additional Duty Pay.* When a furlough is implemented in a department or agency, no employee in that department or agency shall be eligible for:

(a) overtime during the same pay period that another employee from the same department or agency is on furlough; or

(b) additional duty pay for performing duties for other employees in his or her department or agency who are on furlough.

4-9. *Discipline.* Furloughs shall not be used for disciplinary reasons.

4-10. *Back Pay.* Employees on furlough shall not be eligible for back pay awards upon return to work.

## **Article V. Furlough Plans**

5-1. *Furlough Plans.* The General Manager Level positions shall develop furlough plans for their respective departments and agencies.

5-2. The furlough plans shall set forth how each department or agency intends to implement a furlough. The plan shall include, but not be limited to, the following:

Draft 1  
12/03/14

- 87 (a) an explanation of how employees will be selected;  
88 (1) Temporary employees shall be furloughed first, followed by employees who  
89 volunteer to be furloughed. All other employees shall then be eligible to be  
90 furloughed.  
91 (b) a tentative schedule for a furlough;  
92 (c) the estimated number of employees affected; and  
93 (d) a summary of how the furlough will relieve budgetary shortfalls.

94 5-3. All furlough plans shall be kept on file with the Human Resources Department.  
95

#### 96 **Article VI. Supervisor Responsibilities**

97 6-1. Upon notification from the appropriate General Manager Level position that furloughs are  
98 necessary, a supervisor shall:

- 99 (a) Identify those employees who will be furloughed.  
100 (b) Notify those employees that they will be furloughed and their furlough dates;  
101 (c) Notify the Human Resources Department of the chosen employees and their furlough  
102 dates.  
103

#### 104 **Article VII. Appeal**

105 7-1. *Right to Appeal.* An employee who has been furloughed does not have the right to appeal  
106 such a decision under any Tribal law, policy or the personnel grievance process.  
107

108 *End.*  
109

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110 Emergency Adoption – BC-10-15-13-A

111 Emergency Adoption Extension BC-04-09-14-D

# December 2014

December 2014						
Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
28	22	23	24	25	26	27
	29	30	31			

January 2015						
Su	Mo	Tu	We	Th	Fr	Sa
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18	19	20	21	15	16	17
25	26	27	28	22	23	24
				29	30	31

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 30 - Dec 6	Nov 30	Dec 1	2	3	4	5	6
				9:00am 2:00pm LOC Meeting (BCCR)			
Dec 7 - 13	7	8	9	10	11	12	13
				BC Meeting (BCCR)			
Dec 14 - 20	14	15	16	17	18	19	20
				9:00am 2:00pm LOC Meeting (BCCR)			
Dec 21 - 27	21	22	23	24	25	26	27
				BC Meeting (BCCR) 12:00pm 4:30pm Christmas Eve	Christmas		
Dec 28 - Jan 3	28	29	30	31	Jan 1, 15	2	3

# January 2015

January 2015						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
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February 2015						
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Dec 28	29	30	31	Jan 1, 15	2	3
Dec 28 - Jan 3					New Year's		
	4	5	6	7	8	9	10
Jan 4 - 10				9:00am 2:00pm LOC Meeting (BCCR)			
	11	12	13	14	15	16	17
Jan 11 - 17				BC Meeting (BCCR)			
	18	19	20	21	22	23	24
Jan 18 - 24				9:00am 2:00pm LOC Meeting (BCCR)			
	25	26	27	28	29	30	31
Jan 25 - 31				BC Meeting (BCCR)			