

Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



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.

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

BC Resolution # 07-30-97B *Adoption of Early Return to Work Policy*

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

WHEREAS, the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the Early Return to Work Policy was developed by the Human Resources Department in cooperation with the Risk Management Offices to benefit employees and the Oneida Tribe as an employer by returning employees to work in modified duty positions allowing the injury recovery process to move forward while increase employee self-worth through employment responsibilities, and

WHEREAS, this policy has been tested within a program to determine any procedural errors and to verify the results of the program, and

WHEREAS, this policy was adopted on an emergency basis given the nature of the benefits received by the employee and the Oneida Tribe as an employer to be implemented in all areas of the Oneida Tribe, and

WHEREAS, Public Hearings have been held and the comments received have been reviewed and integrated as necessary and that such amendments were in the nature of clarification,

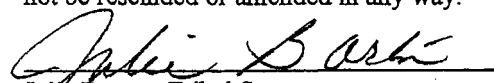
NOW THEREFORE BE IT RESOLVED, that the attached Early Return to Work Policy is hereby adopted on a permanent basis by the Oneida Business Committee to be implemented immediately upon adoption, and

NOW THEREFORE BE IT FURTHER RESOLVED, the Oneida Business Committee hereby directs that the Human Resources Department begin any necessary training or dispersal of information as needed to fully implement this law, and

NOW THEREFORE BE IT FINALLY RESOLVED, that the Oneida Business Committee recognizes that forms as well as Standard Operating Procedures have been developed and approved by the Human Resources Manager for implementation of this policy and hereby approves that authority to take such action as well as any further actions necessary to implement this law.

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 30th day of July, 1997; that the foregoing resolution was duly adopted at such meeting by a vote of 8 members for; 0 members against, and 0 members not voting; and that said resolution has not be rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee

Early Return to Work Policy

A. Philosophy

1. The personal safety and health of each employee are important to the Oneida Tribe.
2. It is important to maintain the existing workforce, due to many factors including teamwork, efficiency and loyalty developed over the employment period.
3. The sooner an injured employee returns to the work place in a productive manner the sooner they may return to their regular position and maintain a positive work ethic.
4. The Oneida Tribe demonstrates through this policy, its dedication to its employees by encouraging and providing them with a means to remain a productive member of the workforce while they are partially disabled.
5. The Oneida Tribe benefits from placements made via this policy by decreasing position vacancies, reducing Worker's Compensation expenditures, and decreasing overall employment costs.

B. Policy and Purpose

1. To assist employees in returning to work after an injury.
2. To place injured employees in jobs with responsibilities that reflect their capabilities.
3. To assist the injured employee in the transition from the light duty position to thier regular job in a timely manner.
4. To provide a capable work force for areas which are understaffed or have needs for short term, temporary employees.

C. Scope

1. This policy applies to all Oneida Tribe employees who are injured or become partially disabled in some manner on or off the job.
2. Employees participating in the program are subject to the same work rules, and employee policies as regular employees.
3. Employees are placed in positions which accommodate any physical restrictions and will be monitored to ensure they are working within any physician prescribed restrictions.
4. Employees in modified or light duty positions will return to their regular position as soon as medically possible.
5. Employee benefits will be suspended with noncompliance or refusal to participate in the program.
6. Departments will provide full cooperation in creating and maintaining positions which are able to accept employees with medical restrictions on a short term and temporary basis.
7. Duration in the program will vary among employees, but will have a conditional termination date of modified duty 30 days from start date in program. A maximum of four two-week extensions may be given with thorough documentation and approval.

D. Distribution of Policy

1. All employees will receive a written copy of this policy as part of, or as a supplement to an employee handbook.
2. New employees will receive a copy of this policy during their orientation, as part of their employee handbook.

E. Employee Responsibility

1. As a condition of accessing disability and worker's compensation benefits, employees must make themselves available to be placed in a modified, or light duty position when they are not able to fulfill the job duties of their regular position due to injury or disease.
2. As a condition of accessing disability and worker's compensation benefits, employees must cooperate with Occupational Health Nurse in determining appropriate job placement.
3. An employee must meet with the original supervisor and/or the new supervisor, and the Occupational Health Nurse, to review and accept restrictions relating to the modified or light duty position.
4. The employee will follow all components of the On-the-Job Incident/Injury Reporting' requirements, including, but not limited to:
 - a. Completing all necessary forms and delivering them to the designated parties.
 - b. Attending and completing all medical examinations, questions, and investigations.
 - c. Accurately and expeditiously reporting changes in medical conditions or restrictions.
5. The employee must provide any updated or additional medical notes to new and/or the originating department supervisors, as well as the original to Employee Benefits.

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STATEMENT OF EFFECT Resolution Regarding Early Return to Work Policy

Summary

This resolution adopts the Early Return to Work Policy on a permanent basis.

Analysis

The Early Return to Work Policy was developed to assist the employee in returning to viable employment with the Oneida Tribe. The return of an employee to work in a modified duty position also assisted the Oneida Tribe in lessening costs associated with injured employees, and allowed a greater range of benefits to be offered. The policy was implemented on a test basis in the Gaming Enterprises allowing the procedures to be corrected where needed, as well as statistical evidence regarding the effectiveness of the policy in regards to the proposed outcome.

Review by the Human Resources Department as well as the Risk Management Office indicated that the policy did produce positive results for both the employee and the Oneida Tribe. These offices requested the Legislative Operating Committee adopt the policy on an emergency basis given the nature of the cost savings and potential positive effect on employees who were currently off work because of an injury, but could work in a modified duty position.

This policy was presented at Public Hearing. Minor modifications were made that clarified the processes. No other issues were raised and no other changes are necessary.

The resolution indicates that the policy will be implemented immediately upon adoption, that the Human Resources Department will be responsible for training and dispersing information, and that Standard Operating Procedures may be developed as needed. Since the policy is in effect, and no changes were made to the processes, no waiting time is necessary for information to be dispersed prior to adoption. The policy is in the appropriate order for Human Resources Department policies and no legal issues exist which would prohibit adoption.

Conclusion

There are no legal issues which would prohibit adoption of this resolution and implementation of the policy.