

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
David P. Jordan, Councilmember
Jennifer Webster, Councilmember

LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
March 22, 2016 10:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. March 2, 2016 LOC Meeting Minutes
- III. Current Business**
 - 1. Back Pay Policy
 - 2. Oneida Higher Education Scholarship
- IV. New Submissions**
 - 1. Petition-Debraska Health Board
 - 2. Petition-Metiever Per Cap FY17 through FY21-E-poll
- V. Additions**
- VI. Administrative Updates**
 - 1. Employment Law-E-poll
- VII. Executive Session**
- VIII. Recess/Adjourn**

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LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center
March 2, 2016 9:00 a.m.

Present: Brandon Stevens, Tehassi Hill and Jennifer Webster.

Excused: David P. Jordan and Fawn Billie.

Others Present: Taniquelle Thurner, Krystal John, Douglass McIntyre, Maureen Perkins, Michelle Mays, Rae Skenandore, Leyne Orosco, Nancy Barton, Cathy L. Metoxen, Mike Debraska, Bonnie Pigman, Danelle Wilson, Rhiannon Metoxen, and Jo Anne House.

I. Call to Order and Approval of the Agenda

Brandon Stevens called the March 2, 2016 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Tehassi Hill to approve the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be approved

1. February 17, 2016 LOC Meeting Minutes

Motion by Tehassi Hill to approve the February 17, 2016 LOC meeting minutes; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Administrative Hearing Court (02:54-33:11)

Motion by Jennifer Webster to defer discussion of the Administrative Hearing Court to a work meeting; seconded by Tehassi Hill. Motion carried unanimously.

2. Workplace Violence Policy (33:45-48:17)

Motion by Jennifer Webster to accept the draft of the Workplace Violence Policy and forward to the Legislative Reference Office for a legislative analysis; seconded by Tehassi Hill. Motion carried unanimously.

3. Trust/Enrollment Committee By-Laws (48:24-01:07:51)

Motion by Jennifer Webster to accept the memorandum regarding the status of the Trust/Enrollment Committee By-Laws as FYI and defer item back to sponsor for further development; seconded by Tehassi Hill. Motion carried unanimously.

4. Comprehensive Policy Governing Boards, Committees and Commissions Amendments (01:07:55-01:11:04)

Motion by Jennifer Webster to accept the updated draft of the Comprehensive Policy Governing Boards, Committees and Commissions Amendments and to forward the draft to the Legislative Reference Office for an updated legislative analysis; seconded by Tehassi Hill. Motion carried unanimously.

For the record: The changes to the Comprehensive Policy Governing Boards, Committees and Commissions Amendments are technical rather than substantive and do not require a second public meeting.

5. Employment Law (01:11:37-01:32:56)

Motion by Jennifer Webster to accept the legislative analysis for the Employment Law, approve the public meeting packet and set a public meeting date for March 31, 2016; seconded by Tehassi Hill. Motion carried unanimously.

6. Eviction Law (01:33:11-01:33:49)

Motion by Jennifer Webster to accept the Eviction Law status update memorandum and defer to the sponsor to bring this item back when ready; seconded by Tehassi Hill. Motion carried unanimously.

7. Garnishment Law Amendments (01:33:52-01:45:13)

Motion by Tehassi Hill to accept the Garnishment Law Amendments public meeting comments; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to defer the Garnishment Law Amendments public meeting comments to the sponsor to schedule a work meeting; seconded by Tehassi Hill. Motion carried unanimously.

8. Per Capita Law Amendments (01:45:20-02:00:28)

Motion by Jennifer Webster to accept the Per Capita Law Amendments status update memorandum and defer to the sponsor to bring back an updated draft with an updated legislative analysis; seconded by Tehassi Hill. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Updates (02:00:30-02:15:18)

1. Quarterly Report

Motion by Tehassi Hill to accept the quarterly report and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

2. Memorandum regarding Legislative Procedures Act

Motion by Jennifer Webster to defer this issue to a staff meeting with the Legislative Reference Office; seconded by Tehassi Hill. Motion carried unanimously.

VII. Executive Session

VIII. Recess/Adjourn

Motion by Tehassi Hill to adjourn the March 2, 2016 Legislative Operating Committee meeting at 11:16 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee

March 22, 2016

Back Pay Policy

Submission Date: 6/11/15

☐ Public Meeting:
☐ Emergency Enacted:
 Expires:

LOC Sponsor: David P. Jordan

Summary: *This request was submitted to clarify two conflicting provisions related to whether health insurance coverage continues during involuntary separation/terminations, and to require reinstated employees to reimburse CHS dollars used if an employee claims medical treatment from CHS prior to reinstatement.*

6/17/15 LOC: Motion by David P. Jordan to add the Back Pay Policy Amendments to the active files list with himself as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

8/19/15 LOC: Motion by Jennifer Webster to accept the memorandum regarding the status of the Back Pay Policy Amendments as FYI; seconded by Fawn Billie. Motion carried unanimously.

10/21/15 LOC: Motion by David P. Jordan to make the noted changes clarifying employment benefits and defer the Back Pay Policy Amendments for a legislative analysis and fiscal impact statement; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- Accept the legislative analysis of the Back Pay Policy and prepare for a public meeting date of May 5, 2016.



<i>Analysis by the Legislative Reference Office</i>					
Title	Back Pay Policy (Policy)				
Requester	OBC Officers	Drafter	Douglass McIntyre	Analyst	Maureen Perkins
Reason for Request	The OBC Officers were considering a settlement proposal and two issues were discovered that the OBC Officers felt needed to be addressed in the Policy, 1) if the employee is being reinstated for health care benefits as if they were never terminated, the employee should be mandated to reimburse the Tribe for any CHS claims they may have made during the time they were off work and 2) Article 4-1 (g) (1) needs clarification.				
Purpose	The purpose of this Policy is to set forth the standards used in calculating back pay for Tribal Employees [See 1-1].				
Authorized/ Affected Entities	This Policy applies to any Tribal employee that receives back pay, his/her Advocate, Oneida Law Office, Employee's Supervisor, Human Resources Department [See 5-2].				
Related Legislation	The Tribe's employment laws, rules and policies [See 4-1 (a) (1), 4-1 (e) (2)], Investigative Leave Policy.				
Enforcement/ Due Process	An Employee not receiving back pay in accordance with this Policy may seek enforcement by the Judiciary [See 5-4].				

Overview

The intent of the Back Pay Policy is to authorize monetary damages in the form of back pay to an employee wrongfully suspended or terminated to make that employee whole again; to put the employee back into the same financial position they would have been in had the suspension or termination never occurred. Current amendments include providing reinstated insurance information to Oneida Contract Health department if services were rendered during the back pay period and clarification of insurance benefits.

- Employees are responsible for providing Oneida Contract Health with reinstated insurance information if services were rendered during the back pay period.
- Detail regarding insurance benefits was clarified.

Proposed Amendments

- The definition of back pay was changed to align with the current practice in calculating back pay awards [see 3-1(b)].
- The definition for punitive damages was added. “Punitive Damages” means monetary compensation awarded to an injured party that goes beyond that which is necessary to compensate the individual for losses and that is intended to punish the other party. [see 3-1(i)]. Punitive Damages are not allowed under the current or proposed amendments of the Back Pay Policy [see 4-2(a)].
- Merit Increases from the OBC and GTC were added to the merit increase system/standard used by the employee's supervisor during the back pay period [see 4-1(e)].
- The Health Insurance Premiums section was updated to include Long-term Disability, Short Term Disability, Dental, Vision and Life Insurance [see 4-1(g)(1)].

- ## Miscellaneous

A public meeting has not yet been held. Minor language changes have been made to improve the clarity of the Policy without affecting the content. Please refer to the fiscal impact statement for any financial impacts.

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Back Pay Policy

Article I. Purpose and Policy
Article II. Adoption, Amendment, Appeal
Article III. Definitions

Article IV. Back Pay Calculation
Article V. Back Pay Process

Article I. Purpose and Policy

1-1. The purpose of this Policy is to set forth standards used in the calculation of back pay for all employees of the TribeNation in accordance with Tribethe Nation's law.

1-2. It is the policy of the TribeNation to have consistent and standard procedures for the management of employee back pay.

Article II. Adoption, Amendment, Appeal

2-1. This Policy was adopted by the Oneida Business Committee by resolution BC-5-24-06-PP and amended by resolutions BC-06-23-10-F~~and~~, BC-08-13-14-C~~;~~ and _____.

2-2. This Policy may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council 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~~Nation.

Article III. Definitions

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

(a) "Advocate" ~~shall mean~~means a non-attorney person as provided by law and other person who is admitted to practice law and is presented to the court as the representative or advisor to a party.

(b) "Back pay" ~~shall mean~~means money damages owed to the Employee for a salary or wage ~~that would have been earned in the time taken to litigate to make the employee whole as determined by the employment dispute, minus amounts that are deducted from salary or income earned from a third party employer or limited by other law of the Tribe.~~formulas set forth within this Policy.

(c) "Consequential Damages" ~~shall mean~~means damages that are not a direct and immediately result of an act, but a consequence of the initial act, including but not limited to penalties on early withdrawal of retirement account.

(d) "Consultant" ~~shall mean~~means a professional who is contracted externally whose expertise is provided on a temporary basis for a fee.

~~(e) "Court" shall mean the trial court of the Tribe's judicial system.~~

~~(f)(e)~~ - "Earnings" ~~shall include~~includes vacation/personal time, shift differential, holiday

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pay, merit increases, bonuses and incentives, employment benefits and income received during the back pay period.

~~(g)~~(f) "Employee" ~~shall mean~~means any individual who is employed by the TribeNation and is subject to the direction and control of the TribeNation 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; an individual employed by any program or enterprise of the TribeNation, but does not include elected or appointed officials or individuals employed by a Tribally Chartered Corporation. For purposes of this Policy, individuals employed under an employment contract as a limited term employee are employees of the TribeNation, not consultants.

~~(h)~~(g) "Involuntarily separated" ~~shall mean~~means an employee removed from employment through whatever means, other than a layoff, by the employer. This shall include, but is not limited to, investigative leave, suspension or termination.

~~(i) "Tribal" or "Tribe" shall mean the Oneida Tribe of Indians of Wisconsin.~~

(h) "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

(i) "Nation" means the Oneida Nation.

(j) "Punitive Damages" means monetary compensation awarded to an injured party that goes beyond that which is necessary to compensate the individual for losses and that is intended to punish the other party.

Article IV. Back Pay Calculation

4-1. *Back Pay Limitations.* Back pay shall only include the items identified in this Article as they relate to the employee. Back pay shall include and be subject to the following:

(a) *Vacation/Personal Time Accrual.* Employees shall receive prorated credit for vacation/ personal time which would have accrued during the back pay period.

(1) Reinstated employees shall be credited for vacation/ personal time. If the crediting of vacation/personal time would result in the employee exceeding the accrual cap ~~of two hundred eighty (280) hours~~ pursuant to the ~~Tribe's personnel Nation's laws, rules and policies and procedures~~, then any amount over that cap shall be provided as a cash payout. Non-reinstated employees shall be paid out vacation/personal time in lieu of crediting personal/vacation time.

(b) *Shift Differential.* Shift differential shall be included in the back pay amount to the extent it is a part of the employee's regularly scheduled hours.

(c) *Tips.* If the employee received pooled tips at the time of involuntary separation, tips shall be included in the total back pay amount at the same tip rate that other employees in the same position and on the same shift received on the same dates.

(1) If the employee received individual tips at the time of involuntary separation, the employee shall be ineligible for tips during the back pay period.

(d) *Holiday Pay.* Holiday pay shall be included in the back pay amount to the extent the employee would have received such pay if the employee had not been involuntarily separated.

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(e) *Merit Increases.* The hourly rate used to calculate back pay shall be increased according to the merit increase system/standard used by the employee's supervisor during the back pay period and will include any increases from Oneida Business Committee or General Tribal Council directives.

(1) The effective date of the employee's merit increase shall be the same as the effective date for other employees in the same department. Retroactive increases shall be calculated back to the retroactive date used for other employees in the same department.

(2) The most recent performance review issued to the employee prior to being involuntarily separated shall be used to determine the level of merit increase. However, if the employee appealed the performance review to the Human Resource Department Manager prior to involuntary separation, a method under the ~~Tribe's personnel~~ Nation's laws, rules and policies ~~and procedures~~ shall be used to determine the merit increase.

(f) *Bonuses and Incentives.* All bonus and incentive payments for which the employee would have been eligible during the back pay period shall be included in the total back pay amount, except for non-monetary gifts distributed by the ~~Tribe~~ Nation to all employees (e.g. Winter Gift gift certificates) or other non-monetary benefits, such as clothing allowance.

(g) *Employment Benefits.* Employee benefits shall be subject to the provisions in this section.

(1) *Insurance Benefits.* Coverage by the Nation for Health Insurance ~~Premiums,~~ Dental Insurance, Vision Insurance, Life Insurance, Long-term Disability and Short-term Disability coverage shall continue during an involuntary separation, except in the event of a termination where the coverage will discontinue. The ~~Tribe~~ Nation shall deduct ~~health insurance~~ the employee's share of premiums paid from ~~the any~~ back pay award.

(A) ~~Health insurance coverage by the Tribe shall continue during the involuntary separation, excluding terminations.~~ If the employee's circumstances have changed during the back pay period and such circumstances affect the employee's ~~health~~ insurance needs, the employee shall notify the ~~Tribe~~ Nation of such changes at the time of reinstatement.

(B) An employee who is reinstated shall sign a waiver from Contract Health authorizing a review of the back pay period to determine if Contract Health services were rendered. If Contract Health determines services were rendered during the back pay period, an Employee shall timely submit insurance information to Contract Health in order for Contract Health to retroactively bill the insurance provider to recoup funds for those services rendered during the back pay period.

(2) *Flexible Benefit Plan Contributions.* If a terminated employee was contributing to the ~~Tribe's~~ Nation's flexible benefit plan at the time of termination, the status of the employee's flex benefit plan shall be subject to the provisions of the Internal Revenue Code.

(3) *Retirement Benefit Contributions.* In the event the employee was participating

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in the ~~Tribe's~~Nation's retirement plan at the time of involuntary separation, the employee shall be responsible for contacting the retirement plan administrator and reactivating contributions.

(A) The employee may choose whether to have the employee's contribution to the retirement plan that would have been made during the back pay period deducted from the total back pay amount and deposited into the employee's retirement account.

(B) If the employee was eligible for employer matching contributions at the time of involuntary separation and the employee chooses to make a contribution through back pay, the ~~Tribe~~Nation shall contribute the employer match into the employee's retirement account.

(C) If the employee was not participating in the ~~Tribe's~~Nation's retirement plan or chooses not to make contributions through the back pay process, then the ~~Tribe~~Nation shall not make employer match contributions into the employee's retirement account ~~or otherwise make payments to the employee in lieu of employer match contributions.~~

(h) *Income Received During the Back Pay Period.*

(1) Unemployment Benefits. Depending on the current unemployment benefit method used by the Payroll Department, either:

(A) Any unemployment compensation paid by the ~~Tribe~~Nation to the State of Wisconsin for an involuntarily separated employee shall be deducted from the employee's back pay award; ~~or~~

(B) The employee is directly responsible for the reimbursement to the State of Wisconsin. The Nation shall send a copy of the completed and signed settlement agreement to the appropriate state department. The State then may determine the amount, if any, of unemployment compensation benefits received during the back pay period should be repaid.

(2) *Income Received Through Employment.* Except as provided in Section 4-1(h)(2)(B), income earned by an employee during the back pay period shall be deducted from the total back pay amount.

(A) The employee shall provide information to verify the amount of or lack of earned income and sign an affidavit attesting to the amount of or lack of earned income.

(B) If the employee worked an additional job prior to being involuntarily separated and continued working in the same capacity, the income earned from that employment shall not be deducted from the total back pay amount to the extent that the income is consistent with pre-involuntary separation earnings. Where the employee worked the additional job, the employee shall provide information from the employer to verify the income earned before and during the back pay period.

4-2. *Payments Not Allowed.* The ~~Tribe~~Nation shall not include the following in any back pay amount:

- (a) Punitive damages;
- (b) Consequential damages;

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(c) Attorney's or advocate's fees~~;~~

(d) Time when the employee would not have been eligible to work~~;~~

(e) Monies normally paid for additional duties while working where an alternate employee assumed that function while the employee was involuntarily separated, unless the additional duties are a part of such involuntarily separated employee's regular schedule.

4-3. *Back Pay Period.* Calculation of back pay begins on the day the employee is involuntarily separated and ends on the day the employee is reinstated.

(a) If the employee is reinstated but refuses to return to work, the back pay period ends on the date reinstatement would have taken effect, but was refused by the employee.

(b) Back pay shall be calculated by taking the employee's earnings during the fifty-two (52) week period immediately preceding the date of the involuntary separation and divide that amount by the number of weeks worked.

(1) If the employment prior to the involuntary separation was less than fifty-two (52) weeks, the average weekly wage shall be calculated by taking the employee's earnings and divide that amount by the number of weeks worked.

(2) If the involuntary separation period involves a fractional week, the indemnity shall be paid for each day of such week at the rate of one-sixth (1/6) of the weekly indemnity.

Article V. Back Pay Process

5-1. The Oneida Law Office shall develop necessary forms and procedures for the purpose of implementing this Policy.

5-2. ~~The Internal departments shall cooperate as necessary with the~~ Oneida Law Office ~~shall work with the employee's supervisor, the Human Resource Department and the employee/advocate in providing information needed~~ to assemble ~~information~~ and prepare the back pay agreement.

5-3. A reasonable effort shall be made to complete the back pay agreement within thirty (30) calendar days, starting the day after the party to the grievance action provides to the Oneida Law Office a judgment ordering back pay or the results of an investigation or test showing the employee is cleared of any wrongdoing.

5-3.4. An employee not receiving back pay in accordance with the back pay agreement may seek enforcement by ~~appealing to the court~~ Judiciary.

End.

Adopted - BC-5-24-06-PP

Amended - BC-06-23-10-F

Amended - BC-08-13-14-C



Legislative Operating Committee

March 22, 2016

Oneida Higher Education Scholarship

Submission Date: October 15, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *Higher Education proposed funding changes for Fall 2014-2015. The OBC requested a legislative analysis of the changes which were made to the Student Handbook. Following this action, the OBC directed the LOC to look at codifying the rules created by the Higher Education Office, which currently govern how Higher Ed disburses higher education funding in accordance with GTC directives.*

08/23/14 OBC: Motion by Vince Delarosa request the BC to direct the proposed Higher Education changes be put on hold until 1) A legal review and legislative analysis are completed and 2) A notice of the amendments and the effects of the amendments are provided to the GTC at an Annual or Semi-Annual meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by David Jordan to direct Higher Education and Governmental Division to send out a notification in the next Kalihwisaks and to include all the students that are within their database who are applying for financial assistance in that notification, saying that the new proposed changes are being put on hold, seconded by Vince Delarosa. Motion carried unanimously.

10/01/14 LOC: Motion by Fawn Billie to approve the memo and forward to the Oneida Business Committee for acceptance; seconded by Jennifer Webster. Motion carried unanimously.

10/08/14 OBC: Motion by Lisa Summers to send this issue back to LOC for a draft law or policy to come back to the Business Committee when ready, seconded by Trish King. Motion carried unanimously.

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

Note: Fawn Billie will be the sponsor.

12/17/14 LOC: Motion by Jennifer Webster to accept the memorandum regarding the status of the Higher Education Law as FYI; seconded by Fawn Billie. Motion carried unanimously.

5/20/15: Work meeting held, attendees include: Pat Garvey, Candice Skenandore, Mitchell Metoxen, Fawn Billie, David P. Jordan, Leyne Orosco, Fawn Cottrell.

7/17/15: Work meeting held, attendees include: Fawn Billie, David Jordan, Tehassi Hill, Jennifer Webster, Cheryl Vandenberg, Paula Ripple, Don White, Mistylee Herzog, Mitchel Metoxen, Fawn Cottrell, Krystal John, Candice Skenandore.

- 7/24/15:** Strategy meeting held, attendees include: David Jordan, Tehassi Hill, Jennifer Webster, Brandon Stevens, Krystal John, Candice Skenandore.
- 8/5/15 LOC:** Motion by David P. Jordan to direct the Legislative Reference office to makes the noted revisions and to defer the Oneida Higher Education Scholarship (Law), as revised, for a legislative analysis and a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.
- 9/16/15 LOC:** Motion by David P. Jordan to defer Oneida Higher Education Scholarship to the Legislative Reference Office to make the discussed changes and bring it back to the next LOC meeting; with a Public Meeting packet prepared for the LOC to review; seconded by Tehassi Hill. Motion carried unanimously.
- 10/7/15 LOC:** Motion by Jennifer Webster to forward the Oneida Higher Education Scholarship to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by David P. Jordan. Motion carried unanimously.
- 10/29/15:** Public Meeting held.
- 11/18/15 LOC:** Motion by David P. Jordan to accept the public meeting comments regarding the Oneida Higher Education Scholarship and defer to a LOC work meeting to be held on November 23, 2015; seconded by Tehassi Hill. Motion carried unanimously.
- Note: LOC work meeting will be held on November 23, 2015 at 10 a.m. in the B.C.C.R.*
- 11/23/15:** Work meeting held to consider public meeting comments. Attendees include: Fawn Billie, Brandon Stevens, David P. Jordan, Jennifer Webster, Rita Lara, Mitchell Metoxen, Jessica Last, Cheryl Vandenberg, Don White, Mike Debraska, Nancy Barton, Sherry King, Paula Ripple, Norbert Hill, Nicolas Reynolds, Kathy L. Metoxen and Krystal John.
- 12/1/15:** Work meeting held to finish considering public meeting comments. Attendees include: Fawn Billie, Brandon Stevens, Jennifer Webster, Mitchell Metoxen, Jessica Last, Cheryl Vandenberg, Don White, Nancy Barton, Paula Ripple, Norbert Hill, Kathy L. Metoxen, Anita Barber and Krystal John.
- 1/6/15 LOC:** Motion by Fawn Billie to defer the Oneida Higher Education Scholarship to the next Legislative Operating Committee meeting to allow for an updated fiscal impact statement and for the Higher Education Student Handbook to be approved by the Director of Government Services; seconded by David Jordan. Motion carried unanimously.
- Amendment to the main motion by David P. Jordan to require the Chief Counsel to prepare a written legal opinion considering whether the Law conflicts with the General Tribal Council resolutions related to the Higher Education Scholarship; seconded by Jennifer Webster. Motion carried unanimously.
- 2/3/16 LOC:** Motion by David P. Jordan to send the Higher Education Scholarship draft to the Oneida Business Committee to consider forwarding to the next available General Tribal Council for adoption; seconded by Fawn Billie. Motion carried unanimously.
- Motion by Fawn Billie to request the Higher Education Department to prepare a presentation to accompany the law to the General Tribal Council consideration; seconded by Tehassi Hill. Motion carried unanimously.

Next Steps:

- Approve the updated Oneida Higher Education Scholarship Law adoption packet to be forwarded for the Oneida Business Committee's consideration.

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Committee Members

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David P. Jordan, Councilmember
Jennifer Webster, Councilmember

Memorandum

To: Oneida Business Committee
From: Brandon Stevens, LOC Chairperson *BS*
Date: March 9, 2016
Re: Oneida Higher Education Scholarship Law

Please find the following attached backup documentation for your consideration of the new Oneida Higher Education Scholarship Law:

1. Resolution: Oneida Higher Education Scholarship (Law)
2. Statement of Effect: Oneida Higher Education Scholarship (Law)
3. Oneida Higher Education Scholarship (Law) Legislative Analysis
4. Oneida Higher Education Scholarship (Law)
5. Oneida Higher Education Scholarship Law Fiscal Impact Statement
6. Oneida Higher Education Student Handbook DRAFT – FYI ONLY – to be adopted by the Oneida Higher Education Office pursuant to the Administrative Rulemaking (Law) following GTC adoption of the Oneida Higher Education Scholarship Law

Overview

This Resolution adopts a new Oneida Higher Education Scholarship Law. This Law:

- Identifies the duties and responsibilities of the Oneida Higher Education Office (OHE);
- Lists the eligibility and requirement factors for being awarded a Scholarship;
- Sets the length of funding limits;
- Identifies the tiered funding systems with maximum funding caps;
- Provides a mechanism and terms under which OHE may provide an exception to the requirements contained in the Law and the student handbook;
- Outlines when appeals are available and provides a general appeal procedure;
- Delegates rulemaking authority to OHE to create a student handbook to implement the Law in greater detail, provided that the handbook must comply with this Law and the GTC resolutions.

In accordance with the Legislative Procedures Act, a public meeting was held regarding these amendments on October 29, 2015 and the comments received during that process were consider by the LOC at work meetings held on November 23, 2015 and December 1, 2015.

Requested Action

Forward the Resolution: Oneida Higher Education Scholarship (Law) to the Oneida General Tribal Council for consideration.

GTC Resolution _____
Oneida Higher Education Scholarship (Law)

WHEREAS, the Oneida Nation 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 Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Nation Constitution by the Oneida General Tribal Council (GTC); and

WHEREAS, the Oneida Business Committee directed the Legislative Operating Committee to develop a Higher Education Scholarship (Law) that would codify the General Tribal Council Resolutions into a law and provide a consistent methodology for awarding higher education scholarships so that the Nation is able to provide educational opportunities to Tribal members and award scholarships in a consistent and fiscally responsible manner; and

WHEREAS, the Oneida Higher Education Scholarship (Law) includes the requirements found in GTC Resolutions related to eligibility, student participation requirements and the tiered funding system, including maximum funding caps and length of eligibility; and

WHEREAS, the Law includes an exception provision which allows the Oneida Higher Education Office to waive select clearly identified requirements of the Law under narrow grounds and on a case-by-case basis in accordance with a standard operating procedure that the Oneida Higher Education Office shall develop prior to issuing any exceptions; and

WHEREAS, the Law provides the grounds under which a student may appeal a decision made by the Oneida Higher Education Office, which levels of appeal are available, and which parties are responsible for considering each level of appeal; and

WHEREAS, the Law delegates the authority to the Oneida Higher Education Office to develop a Higher Education Student Handbook to provide additional rules related to the implementation of this Law pursuant to the process contained in the Administrative Rulemaking Law; and

WHEREAS, a public meeting on this Law was held on October 29, 2015 in accordance with the Legislative Procedures Act.

NOW THEREFORE BE IT RESOLVED, that the attached Oneida Higher Education Scholarship (Law) is hereby adopted.

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquele J. Thurner, Legislative Analyst
Maureen Perkins, LTE Legislative Analyst



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<https://oneida-nsn.gov/Laws>

Statement of Effect

Resolution: Oneida Higher Education Scholarship (Law)

Summary

This Resolution adopts the Oneida Higher Education Scholarship (Law). This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which include awarding scholarships, developing and maintaining rules and regulations to carry out this Law pursuant to the Administrative Rulemaking Law and developing and maintaining a system of internal controls for the Higher Education Office [See 401.4-1].
- Lists the eligibility and requirements for an applicant seeking a scholarship [See 401.5].
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined [See 401.6].
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Higher Education Student Handbook sets out the exception process [See 401.7-2 & 401.7-3].
- Allows an applicant to appeal a scholarship decision only if he/she can show the Higher Education Office failed to abide by this Law and/or the Higher Education Student Handbook [See 401.9-1].
- Provides the grounds under which an applicant may appeal a decision made by the Higher Education Office, the levels of appeal available, and identifies which parties are responsible for hearing each level of appeal [401.9-2].

Submitted by Krystal L. John, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

The Oneida Business Committee directed the Legislative Operating Committee to develop a Higher Education Scholarship Law that would formalize the General Tribal Council (GTC) Resolutions and provide a consistent methodology for awarding higher education scholarships in a consistent and fiscally responsible manner.

This Law incorporates the requirements found in GTC Resolutions that relate to eligibility, student participation requirements and the tiered funding system, including the maximum funding caps and length of eligibility.

Although not directed by GTC, this Law provides an exception procedure and formalizes an appeals process for applicants dissatisfied with decisions made by the Oneida Higher Education Office.

The Oneida Higher Education has been issuing exceptions to students under certain circumstances, however, because the GTC has not provided direction on how to offer exceptions, this Law identifies what exceptions are available and the general process by which the Higher Education Office may consider issuing an exception. Under the Law, an applicant may request an exception to the good standing requirement [see 401.5-1(b)], the requirement that the scholarship be for a degree in a higher funding tier than a previously earned degree [see 401.5-(e)], the requirement to complete a FAFSA form [see 401.5-2(a)], and/or the maximum lengths of funding [see 401.6-1]. In addition, this Law requires the Higher Education Office to develop a standard operation procedure prior to issuing any exceptions pursuant to the Law.

This Law formalizes an appeal process and requires the Higher Education Office to develop additional rules to govern the process.

Once this Law is adopted by the General Tribal Council, the Oneida Higher Education Office may implement the attached draft Oneida Higher Education Student Handbook pursuant to the Administrative Rulemaking Law.

Conclusion

Adoption of this Resolution would not conflict with the Nation's law.



Oneida Higher Education Scholarship

<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Higher Education Scholarship (Law)				
Requester	OBC Referral	Drafter	Krystal L. John	Analyst	Candice E. Skenandore
Reason for Request	The Higher Education Office proposed funding changes. The OBC requested a legislative analysis and directed that the LOC look at codifying the rules created by the Department, which currently governs how the Department disburses higher education funding in accordance with GTC directives.				
Purpose	The purpose of this Law is to implement a scholarship program that is compliant with GTC directives and to specify the funding requirements and procedural controls [See 401.1-1].				
Authorized/ Affected Entities	Higher Education Office, Area Manager of Education & Training or equivalent Governmental Services Division Director or equivalent, and any eligible Tribal member seeking a scholarship				
Due Process	A student can appeal a scholarship decision to the review panel, if dissatisfied with the review panel's decision; the student can appeal to the Division Director. The Division Director's decision is final [See 401.9].				
Related Legislation	Higher Education Student Handbook, Higher Education Office's system of internal controls				
Policy Mechanism	Higher Education Scholarships				
Enforcement	The Higher Education Office can place a student who violates this Law or fails to comply with the Higher Education Student Handbook on probation or suspension [See 401.8-1].				

Overview

This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which includes awarding scholarships pursuant to this Law, developing and maintaining rules and regulations to carry out this Law pursuant to the Administrative Rulemaking Law and developing and maintaining a system of internal controls for the Higher Education Office [See 401.4-1].
- Lists the eligibility and requirements for an applicant seeking a scholarship which includes being a Tribal member; be in good standing; be accepted to an accredited vocational program, college or university; seek a scholarship for semesters/terms which have not already ended or been completed and seek a scholarship for a degree that is categorized in a funding tier that is higher than the funding tier of a previously earned degree [See 401.5].
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined [See 401.6].
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Higher Education Student Handbook sets out the exception process [See 401.7-2 & 401.7-3].

- 18 ▪ Allows an applicant to appeal a scholarship decision only if he/she can show the Higher
19 Education Office failed to abide by this Law and/or the Higher Education Student Handbook
20 [See 401.9-1].
- 21 ▪ If an applicant appeals a scholarship decision, the Higher Education Office Review Panel,
22 made of two Higher Education advisors and either the Higher Education Office manager or
23 the area manager, will review the appeal and make a decision. If the applicant is dissatisfied
24 with the review panel's decision, he/she can appeal to the division director. The division
25 director's decision is final [401.9-2].

27 **Miscellaneous**
28 A public meeting was held on October 29, 2015, in accordance with the Legislative
29 Procedures Act. Please refer to the fiscal impact statement for any financial impact.

Chapter 401
Oneida Higher Education Scholarship
Onayote'a·ká· Thuwatilihunyaní'tha'kó· Ohwísta'

people of the Standing Stone, the great place where they teach them the traditions, money

401.1. Purpose and Policy

401.2. Adoption, Amendment, Repeal

401.3. Definitions

401.4. Higher Education Office

401.5. Eligibility and Requirements

401.6. Higher Education Scholarship

401.7. Exceptions

401.8. Enforcement

401.9. Appeals

401.1. Purpose and Policy

401.1-1. *Purpose.* The purpose of this Law is:

(a) To implement a scholarship program that is compliant with the following resolutions GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.

(b) To specify the funding requirements and procedural controls for awarding scholarships.

401.1-2. *Policy.* It is the policy of this Law to have a consistent methodology for awarding higher education scholarships so that the Nation is able to provide educational opportunities to tribal members and award scholarships in a consistent and fiscally responsible manner.

401.2. Adoption, Amendment, Repeal

401.2-1. This Law was adopted by the Oneida General Tribal Council by resolution _____.

401.2-2. This Law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

401.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

401.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law control.

401.2-5. This Law is adopted under authority of the Constitution of the Oneida Nation.

401.3. Definitions

401.3-1. This section governs the definitions of words and phrases used within this Law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Accredited vocational program, college or university" means either any United States educational institution officially accredited by an agency recognized by the United States Department of Education or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

(b) "Appeal" means a request for review of a scholarship decision made by the Higher Education Office or Higher Education Office Review Panel for which the requestor must demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

(c) "Area Manager" means the supervisor of Education & Training or anyone with the responsibility of overseeing the Higher Education Office.

(d) "Division Director" means the division director of Governmental Services or anyone with the responsibility of overseeing the area manager of the Higher Education Office.

(e) “Exception” means a request that the Higher Education Office make a discretionary decision to exempt an applicant from a requirement(s) for which there is an available exemption under Section 401.7-2.

(f) “Financial Needs Analysis” is a form which reports a school’s cost of attendance and eligible financial aid awards, which is sent by the Higher Education Office directly to the school’s financial aid office for completion.

(g) “Free Application for Federal Student Aid” is an application which determines eligibility for any financial resources such as state and federal funding.

(h) “GPA” means grade point average which is a measure of a student’s academic achievement arrived at by dividing the total grade points received by the total grade points attempted.

(i) “Higher Education Office Review Panel” is a three (3) party review panel, which is to include two higher education advisors, and either the Higher Education Office’s manager or the area manager.

(j) “Higher Education Student Handbook” is the source of the rules and regulations for carrying out this Law as further described in Section 401.4-1(b).

(k) “Official Transcript” means an official report of a student’s grades sent either directly from the educational institution and certified as official or from the National Student Clearinghouse.

(l) “Scholarship” means monetary funds awarded to an applicant through the Oneida Higher Education Program.

(m) “Tribal Member” means an enrolled member of the Oneida Nation.

401.4. Higher Education Office

401.4-1. The Higher Education Office shall carry out the intent and purposes of this Law and enforce the provisions of this Law. The Higher Education Office shall:

(a) Award scholarships in accordance with this Law.

(b) Develop and maintain rules and regulations designed to carry out this Law pursuant to the Administrative Rulemaking Law. Such rules and regulations must be made available in the Higher Education Student Handbook.

(1) At a minimum, the rules and regulations relating to the eligibility requirements, funding caps, enforcement and appeals must comply with this Law and the following Resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.

(c) Develop and maintain a system of internal controls for the Higher Education Office.

401.5. Eligibility and Requirements

401.5-1. *Eligibility.* In order to be eligible for a scholarship award, applicants must:

(a) Be a tribal member.

(b) Be in Good Standing where good standing means the applicant has:

(1) met the Oneida GPA requirements set forth in the Higher Education Student Handbook;

(2) completed the total number of credits within the semester/term for which the scholarship was provided based on an official transcript; and

(3) met the standards of the financial aid academic good standing.

(c) Be accepted to an accredited vocational program, college or university.

(d) Be seeking the scholarship for semesters/terms which have not already ended or been completed.

(e) Be seeking the scholarship for a degree that is categorized in a funding tier that is higher than the funding tier of a previously earned degree, based on the funding tiers under Section 401.6-2.

(1) An applicant seeking a degree that is in the same funding tier or lower as another degree simultaneously being pursued, within the funding period allowed for the degree at the higher funding tier, remains eligible and is not prohibited by this Section.

401.5-2. *Requirements.* In order for a scholarship to be awarded:

(a) Applicants must file the Free Application for Federal Student Aid, unless the applicant will be taking less than six (6) credits or will be attending a Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

(b) Applicants shall ensure that a complete student file is submitted to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

401.6. Higher Education Scholarship

401.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must provide comprehensive definitions of the achievements eligible for funding and the methodology for calculating funding periods, the following are the maximum Scholarship funding periods for eligible applicants:

(a) Two and one-half (2 1/2) years for a vocational program completion/associate degree/certificate program completion/similar program.

(b) Five (5) years for an undergraduate degree.

(c) Three (3) years for a graduate degree.

(d) Five (5) years for a doctoral degree.

401.6-2. *Tiered Funding System.* The General Tribal Council, or its delegate, shall establish maximum funding caps for the following funding tiers:

(a) Vocational program, associate degree, certificate program or similar program.

(b) Undergraduate degree.

(c) Graduate degree.

(d) Doctoral degree.

401.6-3. *Award.* The amount of the scholarship award is based upon:

(a) The amount of funding caps for each tier under Section 401.6-2, which must be contained in the Higher Education Student Handbook.

(b) The financial needs analysis.

401.7. Exceptions

401.7-1. *Exception Policy.* Exceptions may be offered under narrow grounds only for applicants facing extenuating circumstances whom are able to demonstrate that based on the totality of the circumstances the applicant will likely succeed in achieving the accomplishment sought either within the exception period and/or despite the extenuating circumstances that have made pursuing an exception necessary.

(a) Within six (6) months of the adoption this Law, the Higher Education Office shall develop a standard operating procedure for evaluating requests for exceptions; no exceptions may be granted pursuant to this Law until the said standard operating procedure has been developed.

401.7-2. *Available Exceptions.* In its discretion, the Higher Education Office may make exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below:

(a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 401.5-1(b) and (e).

(b) In regards to requirements, exceptions may be made relating to the requirement contained in subsection 401.5-2(a).

(c) Exceptions may also be made relating to the length of funding periods contained in section 401.6-1.

(d) Exceptions may not be made for requirements contained in this Law that are not explicitly noted in this section.

401.7-3. *Exception Process.* Applicants requesting an exception shall follow the process set forth in the Higher Education Student Handbook.

(a) *Granting an Exception.* The Higher Education Review Panel shall consider requests for available exceptions under Section 401.7-2 based on the exception policy identified under Section 401.7-1. A decision by the Higher Education Office Review Panel regarding an exception must be approved by a majority of the said panel.

(b) *Requesting Reconsideration of an Exception Decision.* If an applicant disagrees with the Higher Education Office Review Panel's denial of an available exception under Section 401.7-2, the applicant may file a request for reconsideration of the exception with the division director; the decision of the division director regarding the exception is final.

401.8. Enforcement

401.8-1. *Accountability.* The Higher Education Office may place any applicant who violates this Law or fails to comply with the Higher Education Student Handbook on probation or suspension in accordance with the procedures contained in the Higher Education Student Handbook.

401.9. Appeals

401.9-1. *Appeal Process and Requirements.* An applicant may appeal a scholarship decision made by the Higher Education Office, but only to extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

401.9-2. *Levels of Review.* The following levels of review are available to an applicant seeking an appeal of a scholarship decision made by the Higher Education Office:

(a) The first level of review is through the Higher Education Office Review Panel. A decision by the Higher Education Office Review Panel regarding an appeal must be approved by a majority of the said panel.

(b) If an applicant disagrees with the Higher Education Office Review Panel's decision regarding an appeal, the applicant may appeal at the second level of review to the division director; the decision of the division director regarding the appeal is final.

End.

Pursuant to resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.

ONEIDA TRIBE OF INDIANS OF WISCONSIN



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

MEMORANDUM

25 of 118



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.

DATE: January 6, 2016
FROM: Rae Skenandore, Project Manager
TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Financial Impact of Higher Education Scholarship Law**

I. Background

The purpose of the law is to implement General Tribal Council (GTC) and Oneida Business Committee (OBC) resolutions regarding the higher education scholarship program and to specify the funding requirements and procedures for awarding scholarships. This is a new law meant to codify the rules of the Higher Education Department. A Public hearing was held on October 21, 2015.

II. Executive Summary of Findings

The law simply puts a formalized structure to the existing requirements from applicable resolutions. The handbook is being updated to comply with the law. No new personnel will be needed and there are no other startup costs. The law cannot be implemented until the handbook is also approved and appropriate standard operating procedures are developed. The law can be implemented within 10 days of approval.

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.

Oneida Higher Education Projections

January 2016

Melissa Nuthals
Statistician

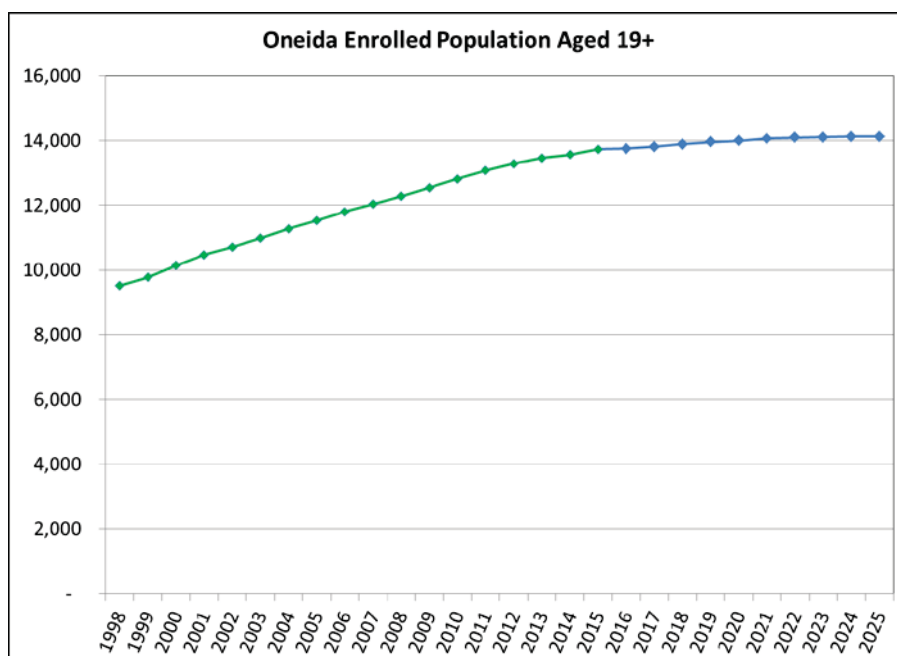
Oneida Higher Education Projections January 2016

I. Introduction

The Oneida Higher Education Department supports Oneida enrolled students in the pursuit of continuing education. The program began in 1974. The Oneida Higher Education Department began tracking students through their database in 1997 after the GTC Resolution 8-12-96-A was adopted.

The cost for the Higher Education funds totaled \$3.7 million in 1998 and grew to \$10.8 million in the 2015 academic year. The academic year runs from August 1 through July 31. Based on this large change in cost, it is necessary to project the future costs of the program so that Oneida can prepare accordingly.

The projections are based on historical Oneida Higher Education and Oneida Enrollment data trended forward. A straight linear trend could not be used based on the past totals, because it does not account for the aging Oneida enrolled population. The Oneida enrolled population aged 19+ in 1998 was 10,486 members and in the 2013 academic year it was 13,643. It is expected to grow to over 14,000 in the 2025 academic year. The aging Oneida enrolled population aged 19+ is shown in the chart below.

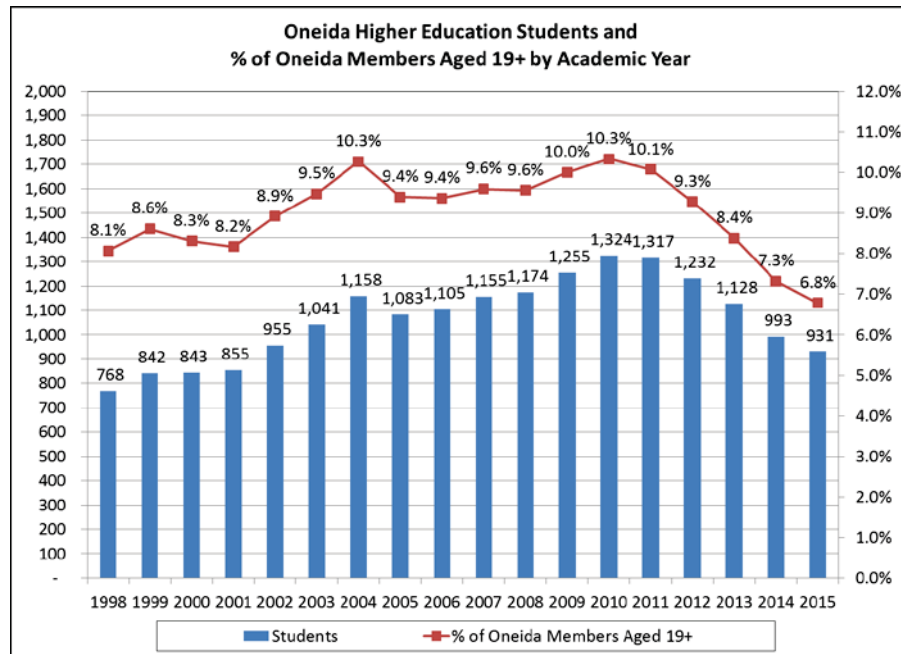


In 2015, 40.5% of Oneida enrolled members aged 19 utilized the higher education funds. According to the United States Bureau of Labor Statistics, 68.4% of 2014 high school graduates in the United States were enrolled in college in October 2014.

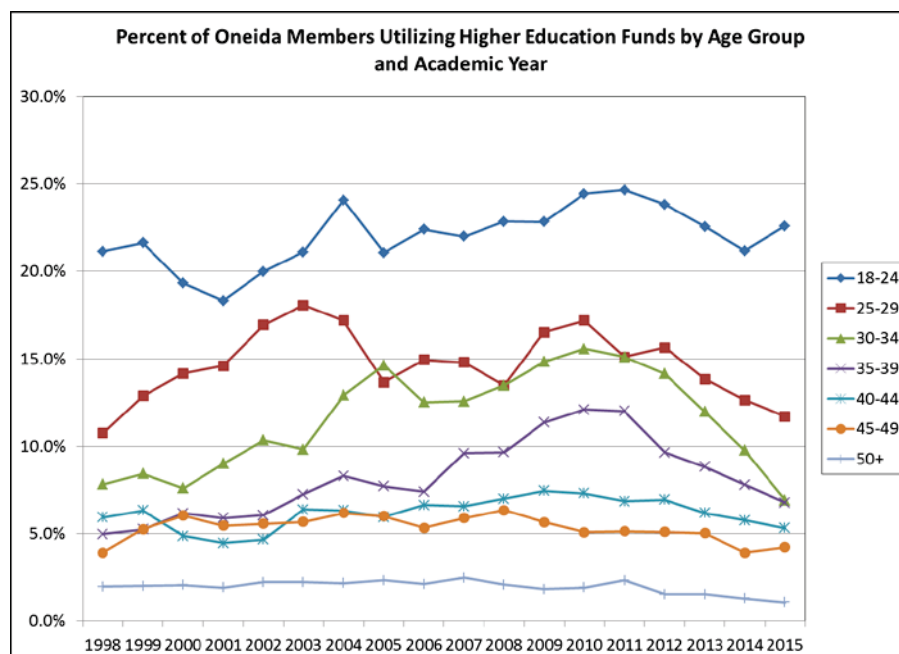
As of the 2015 academic school year, 36% of all enrolled Oneida members aged 19+ have utilized Oneida Higher Education funding since the 1998 academic school year.

II. Utilization

Participation in the Oneida Higher Education program peaked in the 2010 school year with 1,324 students. Since then, participation has steadily dropped. The past student enrollment in the program per year is depicted in the chart below.

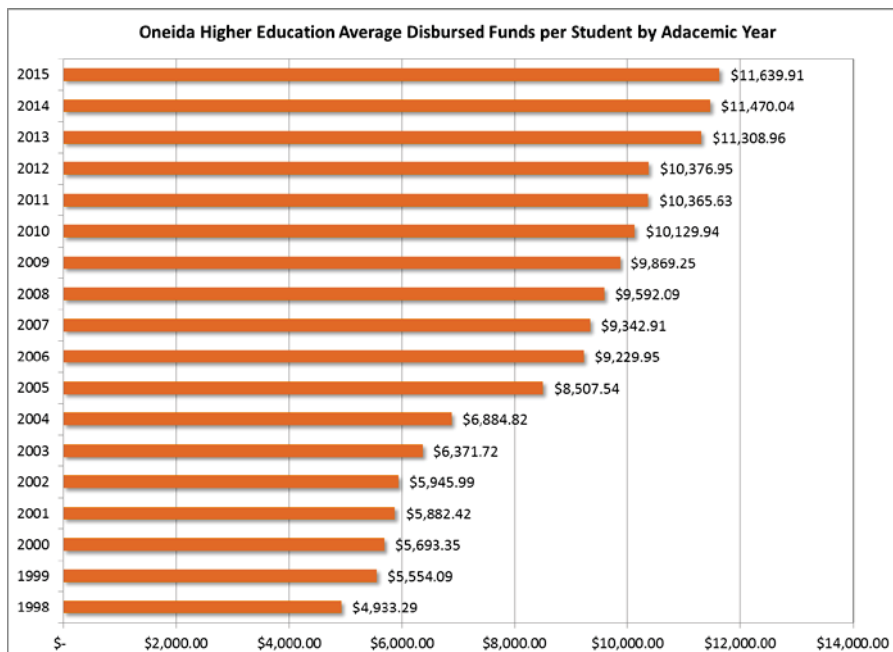


As the age group of members increased, the rate of utilization of Oneida Higher Education funds decreased. The rate of members aged 18-24 who utilized the Oneida Higher Education funding was 21.9% in 2015 and had stayed between 18% and 25% since 1998. The following chart shows the percentage of Oneida members who received Oneida Higher Education funding by age group.

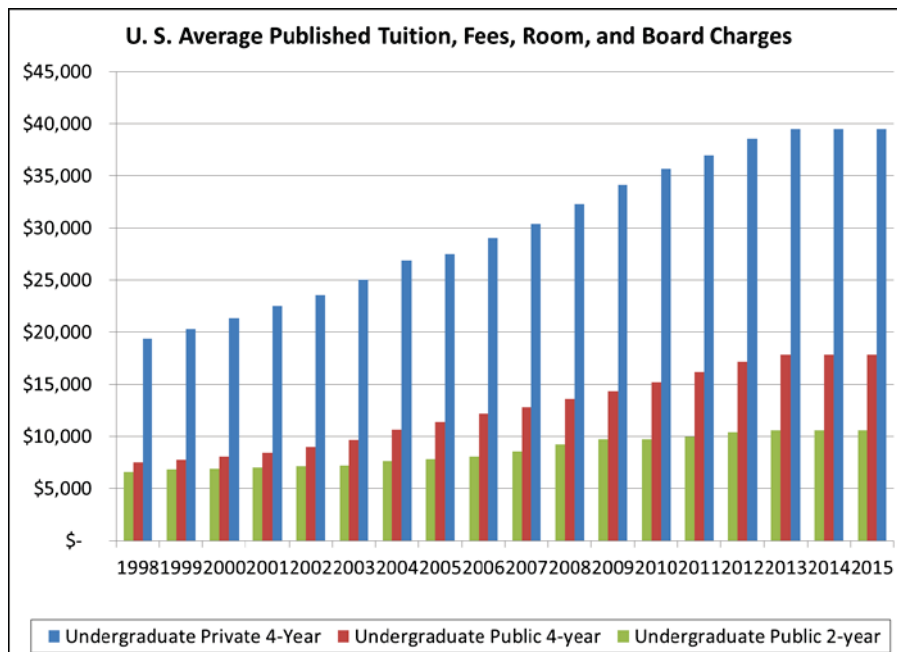


III. Cost

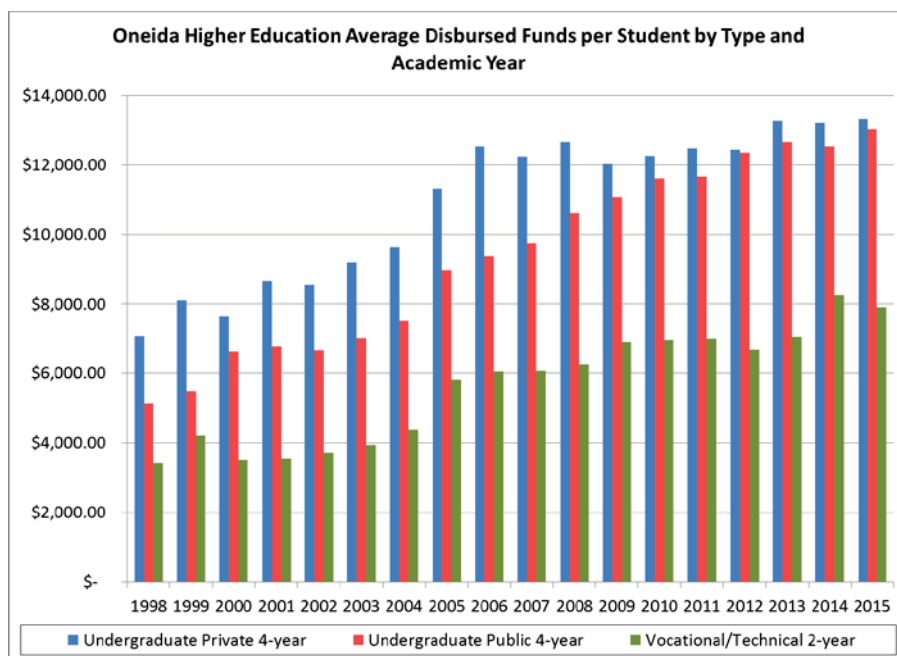
Not only has the number of students utilizing the higher education funds gone up, but so has the average disbursed funds per student. The average disbursed funds have more than doubled from 1998 to 2015. The average disbursed funds per student for each year is depicted in the following chart.



The average published tuition, fees, room, and board (TFRB) charges have also increased over time throughout the United States. The average cost for an undergraduate Private 4-year institution has the most noticeable change as it approached \$40,000 in 2013. The average cost for an undergraduate Public 4-year institution was close to \$18,000 in 2013 and a Public 2-year institution was over \$10,000. The following chart shows the average change in cost from the “Trends in Higher Education Series” at www.collegeboard.com.

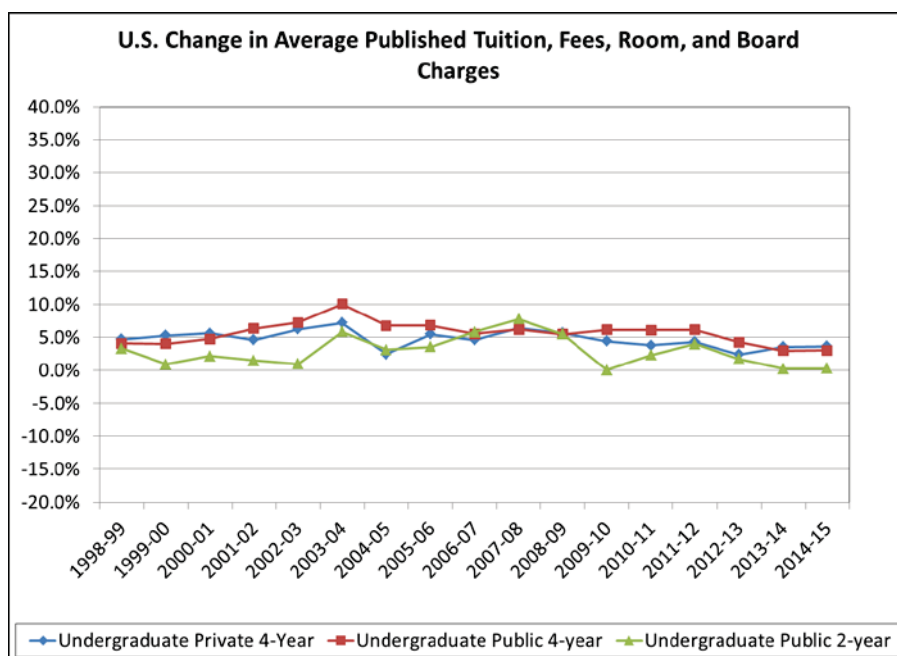


The U.S. costs can be compared to the average disbursed funds per student utilizing the Oneida Higher Education funds. In 2013, the average disbursed funds for undergraduate Private 4-year institutions were just over \$13,000, and just under \$13,000 for undergraduate Public 4-year institutions. The average disbursed funds in 2013 for vocational/technical 2-year institutions were just over \$7,000. These average disbursed funds are shown in the chart below.

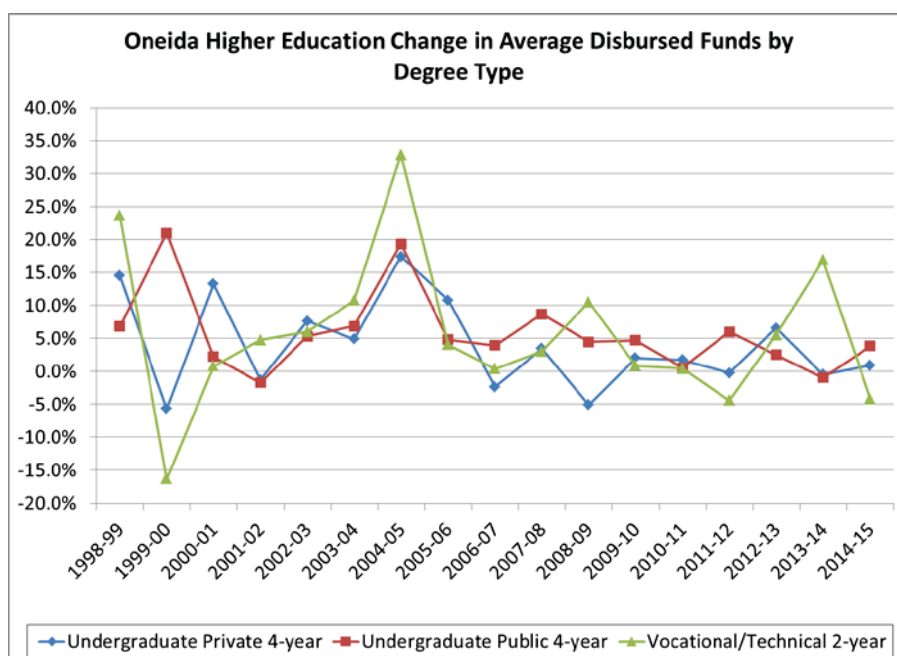


IV. Change in Average Tuition, Fees, Room, and Board Charges

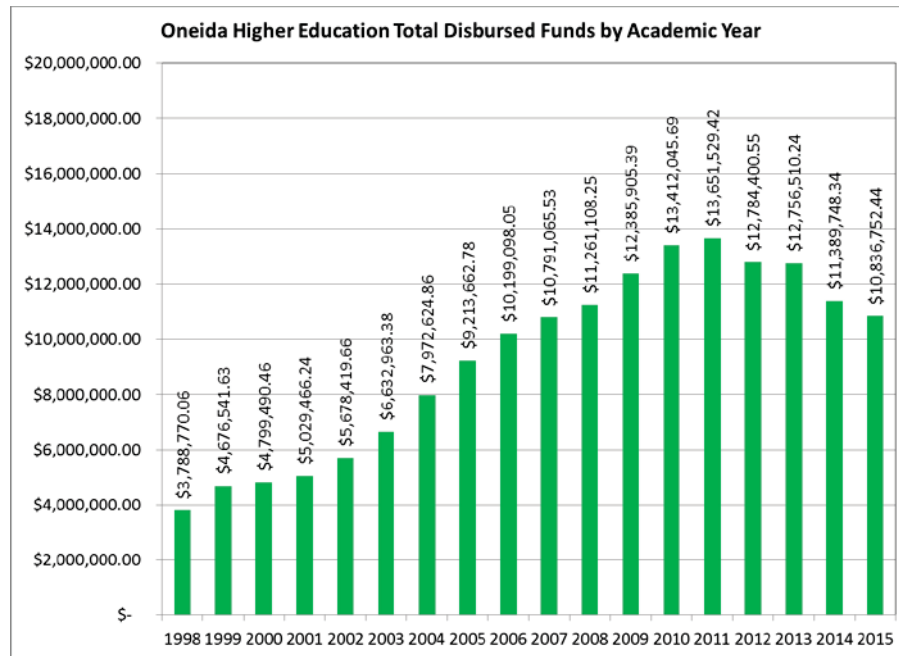
The U.S.'s average cost is higher for all types of institutions with a substantial difference between the average costs of private 4-year institutions. Since there is such a difference in the cost, a comparison of the rate changes may be more beneficial.



Oneida's change in disbursed Higher Education funds was between 2.5% and 6.6% for each type of institution. The U.S. change in cost from 2014 to 2015 was between -5% and 5% for each type of institution.

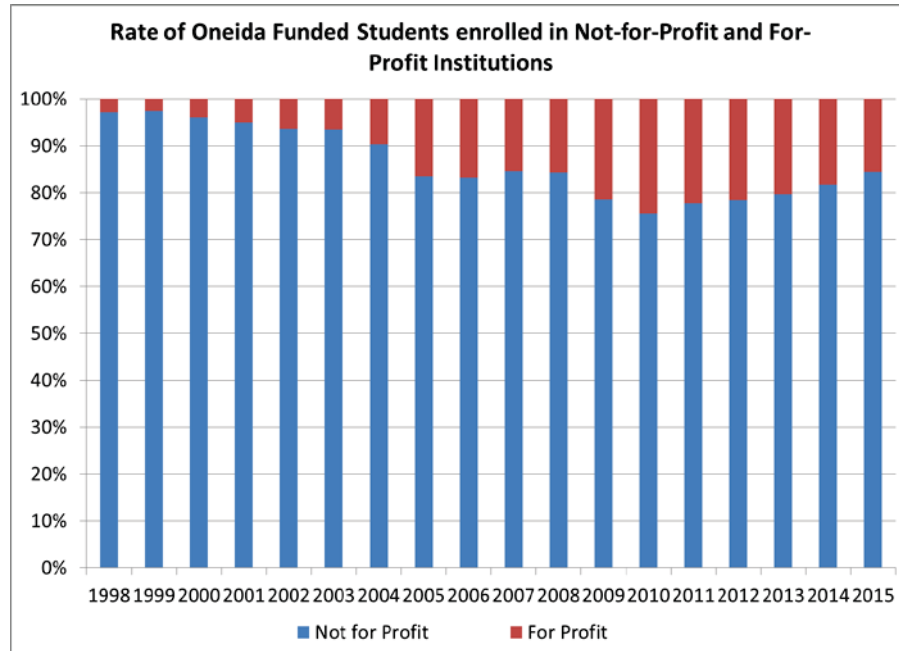


The total disbursed funds from Oneida Higher Education continued to climb until the 2011 academic year, but then dropped in the following years. The overall disbursed funds per year for the Higher Education Department are shown in the chart below.

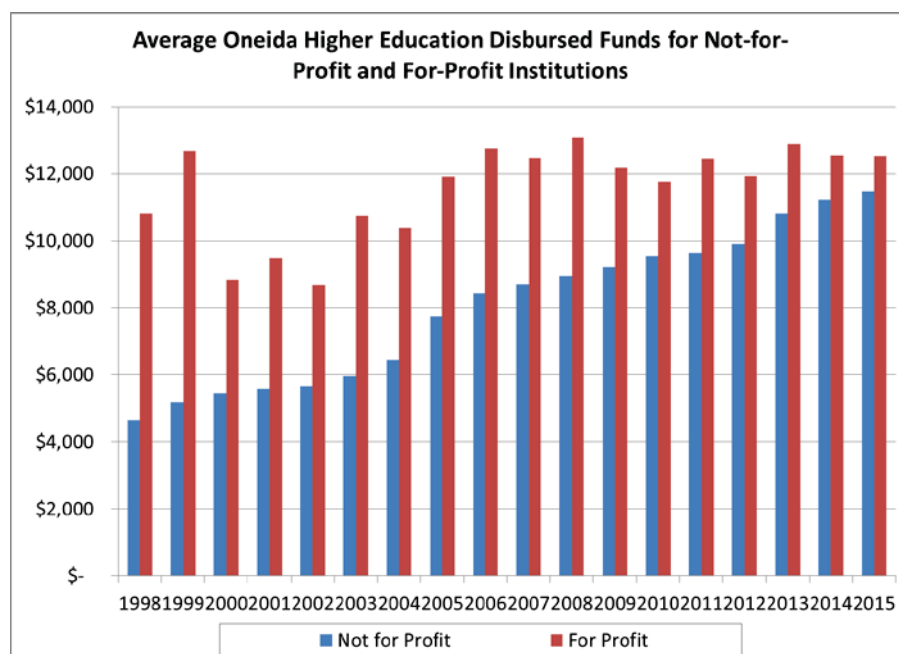


V. Type of Institutions

In addition to Private and Public institutions, private institutions can also be separated into for-profit and not-for-profit. The rate of Oneida students who have enrolled in for-profit institutions has increased significantly from 1998 to 2015. The following chart details the rate of Oneida students at not-for-profit and for-profit institutions.

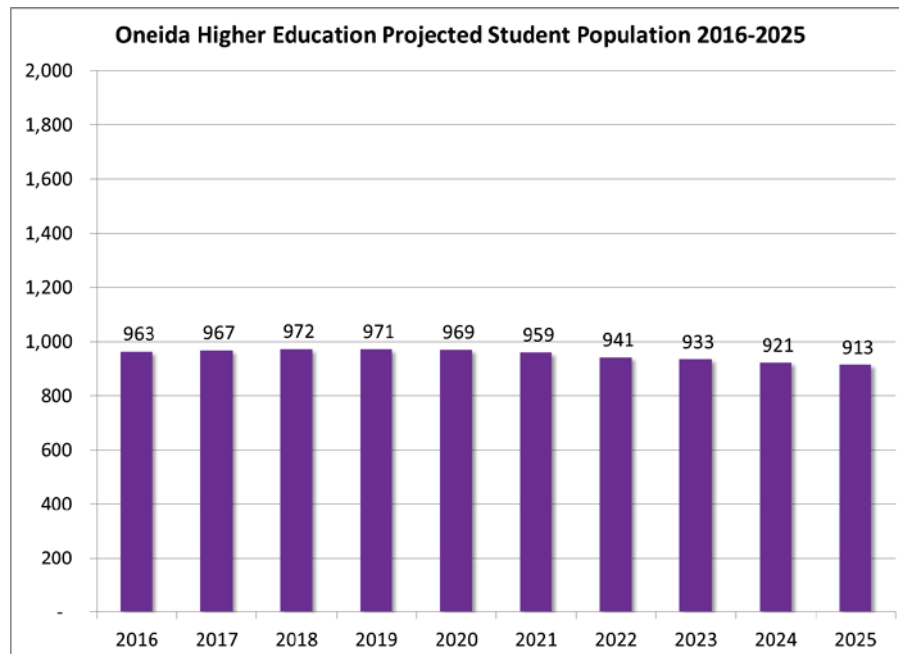


The Oneida Higher Education average disbursed funds for not-for-profit institutions has gradually increased from 1998 to 2013, starting at \$4,638 and growing to \$11,476. The averaged disbursed funds paid to for-profit institutions has varied, but has always been over \$8,400 and was \$12,521 in the 2015 academic year. The chart below shows the difference in disbursed funds to not-for-profit and for-profit institutions.

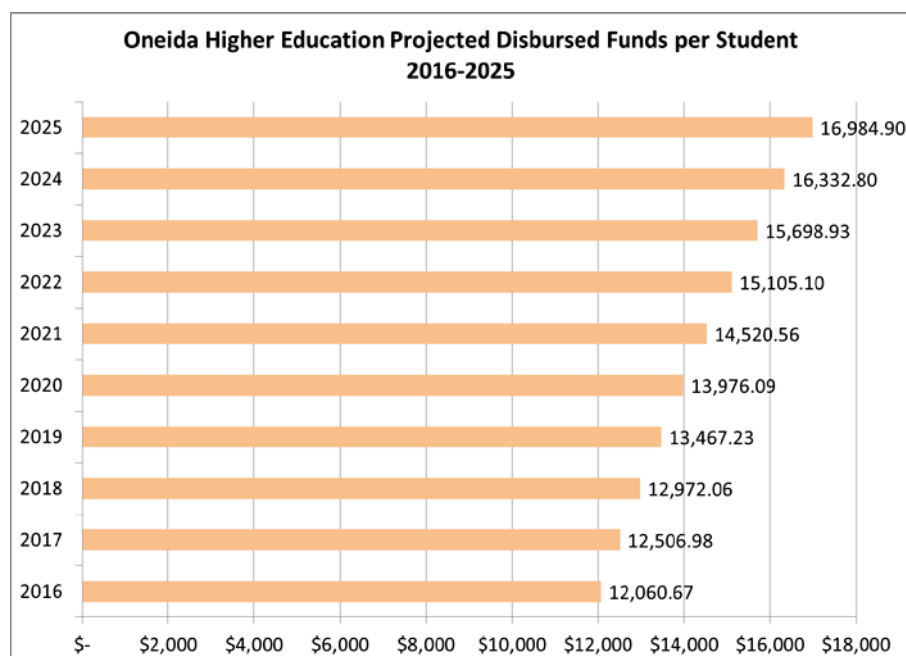


VI. Projected Utilization

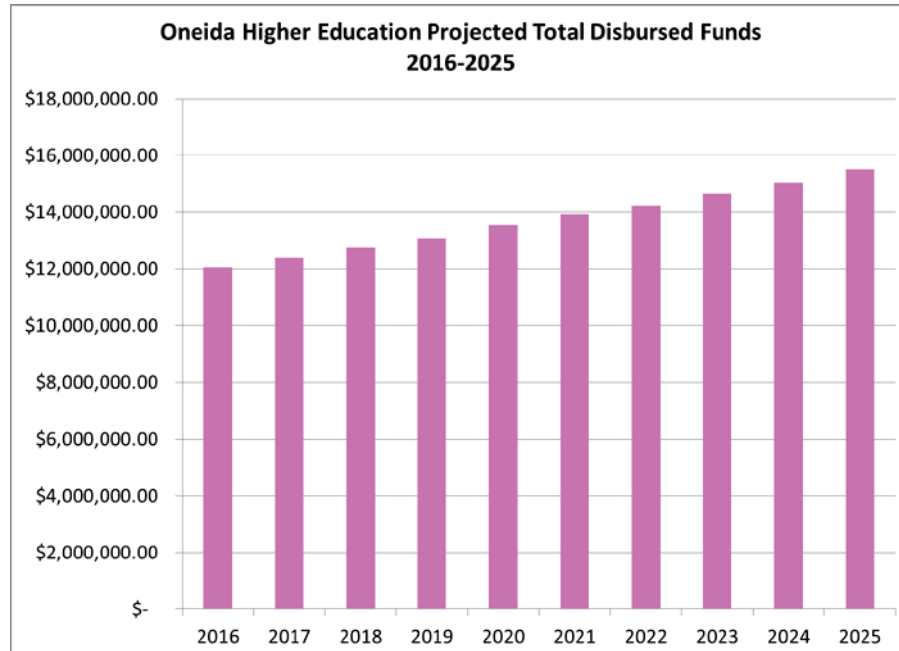
As was shown on the first page, the number of tribal members eligible for funds will only slightly increase. The percentage of the enrolled population that utilizes the Higher Education funds was expected to slightly increase, but that has not occurred. The rate has dropped down to under 7% of the eligible population. The rate of high school graduates attending college has not made up for the reduction due to the aging population. This has resulted in lower projections from previous reports. The projected utilization is shown in the chart below.



The average disbursed funds from Oneida Higher Education are expected to continue to grow each year. The average disbursed funds per student are shown in the following chart.



The average disbursed funds per student are expected to increase. The trend is quite linear, but will eventually level off due to the maximum funding amount of \$20,000 for undergraduate students, \$25,000 for graduate/professional students, and \$30,000 for doctoral students. These projections are based on that factor. The overall growth in the total cost for Oneida Higher Education is shown in the chart below.



The total projected costs per year for the Higher Education Department is listed below in the table. Note that the average cost per year met the \$25,000 limit for Graduate/Professional degrees from 2020 forward and \$30,000 limit for Doctoral degrees from 2023 forward. These limits were established with the GTC resolution 1-30-10-A.

Projected Total Higher Education Costs	
2016	\$ 12,041,977.16
2017	\$ 12,379,678.46
2018	\$ 12,758,354.46
2019	\$ 13,079,450.32
2020	\$ 13,536,428.61
2021	\$ 13,927,043.11
2022	\$ 14,216,671.44
2023	\$ 14,651,977.52
2024	\$ 15,035,880.23
2025	\$ 15,508,578.68

The Oneida Higher Education costs are projected to grow over the next 10 years. It is necessary for the organization to prepare for this increase in cost.

Higher Education Student Handbook



*Oneida Tribe
of Indians of Wisconsin*

Oneida Higher Education Scholarship

Office Hours

Monday through Friday

8:00 a.m. – 4:30 p.m.

Telephone

920-869-4033

1-800-236-2214 ext. 4033

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Office Email

highered@oneidanation.org

Web Page

www.oneida-nsn.gov/highered

Mailing Address

Oneida Higher Education Office

P O Box 365

Oneida, WI 54155

Location

Norbert Hill Center (North wing)

N7210 Seminary Rd

Oneida WI 54155



The Oneida Higher Education Applications and forms can be found on our web page,

www.oneida-nsn.gov/highered

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Article 1: INTRODUCTION

The Oneida Higher Education Office acts as a financial aid office, processing the Oneida Higher Education Scholarship and assisting applicants in completing the Free Application for Federal Student Aid (FAFSA).

The Scholarship is determined by a combination of the applicant's FAFSA, the Financial Needs Analysis and the Oneida Higher Education Scholarship funding guidelines. The Scholarship is not intended to replace annual income or meet total personal or household expenses.

Applicants are advised not to start school/classes until they receive the Oneida Higher Education Scholarship Award Letter. Applicants who choose to start prior to the receipt of the Oneida award letter are responsible for any incurred costs.

Article 2: DEFINITIONS

2. This Article provides the definitions of words and phrases used within this Handbook. All words not defined in this Article must be used in their ordinary and everyday sense.
- (a) “Accredited vocational program, college or university” means either any United States educational institution officially accredited by an agency recognized by the United States Department of Education or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.
 - (b) “Financial Needs Analysis” is a form that reports a school’s cost of attendance and eligible Financial Aid awards and is sent by the Higher Education Office directly to the school’s financial aid office for completion.
 - (c) “GPA” means grade point average which is a measure of a student’s academic achievement arrived at by dividing the total grade points received by the total grade points attempted.
 - (d) “Tiered Funding” defined as progression within professions
 - (e) “Higher Education Office Review Panel” is a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager.
 - (f) “Official Transcript” Official Transcript means an official report of a student’s grades sent directly from the educational institution via mail, and certified as official or from the educational institution’s e-script vendor.

Article 3: STUDENT RESPONSIBILITIES

3. Persons participating in the Oneida Higher Education Scholarship program are responsible for the following:
- (a) All costs incurred prior to attending school, which may include, but are not limited to: Admission fees, housing deposits, transportation to the school, and other related fees.
 - (b) Abiding by and complying with the eligibility and requirement provisions contained in the Oneida Higher Education Scholarship (Law) and this Handbook.
 - (c) Following up with the Higher Education Office and the school's financial aid office as necessary to ensure all required documents are completed and/or received.
 - (d) If attending more than one institution during the same academic term, submitting a copy of an approved consortium agreement.
 - (e) Upon graduation, submitting a copy of the diploma earned and requesting a final Official Transcript to be sent to the Higher Education Office.
 - (f) Notifying the Higher Education Office of any applicable changes, including, but not limited to, a change of school, mailing address, phone number, email address, degree program, the number of college credits, or financial aid.

Article 4: APPLICATION REQUIREMENTS

4-1. In order to meet the requirements for a Scholarship to be awarded:

(a) Applicants must file the Free Application for Federal Student Aid (FAFSA), unless the applicant will be taking less than six (6) credits or will be attending a Canadian education institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language programs. The FAFSA must be completed annually and may be done at www.fafsa.gov.

(b) Applicants shall ensure that a complete student file is submitted to the Higher Education Office. A complete student file consists of the following:

(1) A copy of the college/university acceptance/admission letter for all applicants that are a new students, re-entering students (returning to school after taking one (1) or more years off) or transfer students;

(2) An [Oneida Higher Education Application](#) and the [Participation Acknowledgment and Agreement](#) (which must be submitted each academic year);

(3) An [Oneida Higher Education Academic Plan](#), (which must be submitted for each term of funding);

(4) An Official Transcript, (which must be provided to the Higher Education Office at the close of each term of funding); and

(A) Official Transcript means an official report of a student's grades sent directly from the educational institution via mail, and certified as official or from the educational institution's e-script vendor.

(B) Applicants are responsible for any applicable Official Transcript fees.

(5) A Financial Need Analysis, which is a form that reports a school's cost of attendance and eligible Financial Aid awards and is sent by the Higher Education Office directly to the school's financial aid office for completion.

4-2. To ensure fastest possible distribution of scholarship funds, applicants should submit their Oneida Higher Education Application by the following priority dates:

- (a) For the Fall Term – By April 15th
- (b) For the Spring Term – By October 1st
- (c) For the Summer Term – By May 1st

Article 5: SCHOLARSHIP ELIGIBILITY

5. In order to be eligible for a Scholarship Award, applicants must:

(a) Be an enrolled Oneida Tribal Member.

(b) Be accepted into an Accredited vocational program, college or university, meaning either any United States educational institution officially accredited by an agency recognized by the United States Department of Education or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs..

(c) Be in good standing, according to [Article 10: GRADING REQUIREMENTS – GOOD STANDING](#).

(d) Be seeking the Scholarship for semesters/terms which have not already ended or been completed.

(e) Be seeking the Scholarship for a degree that is higher than the funding tier of a previously earned degree based on the funding tiers under Article 7: LENGTH OF FUNDING ELIGIBILITY of this Handbook or Section 401.6-2 of the Oneida Higher Education Scholarship (Law).

(1) An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier is eligible.

(2) For example scenarios explaining the requirements of Article 5(e), please see

(3) Addendum 01: EXAMPLES OF THE ARTICLE 5(e) REQUIREMENT.

Article 6: INELIGIBILITY FACTORS

6-1. The Scholarship is not available under the following circumstances:

- (a) For courses required to update/maintain a license.
- (b) For post-degree certificates, workshops, seminars, conferences, or continuing education credits/units.
- (c) For post-secondary required pre-requisite credited classes.
- (d) For post-graduate preparation and admission exams (e.g. GRE, LSAT, MCAT, GMAT).
- (e) For post-secondary preparatory programs/courses.

6-2. Oneida Trust Scholarship. The Oneida Trust Scholarship may be available to cover the costs associated with the ineligible factors contained in Article 6-1(d)-(f). For more information on the Oneida Trust Scholarship, please see

Addendum 02: ONEIDA TRUST SCHOLARSHIP.

Article 7: LENGTH OF FUNDING ELIGIBILITY

7. Scholarship awards are subject to the following length of funding and maximum funding requirements:

Tier Level	Achievement Sought	Length of Eligibility*	Maximum Funding**
1 st	Vocational Degree/Associate Degree/Certificate	2.5 years	\$20,000
2 nd	Undergraduate Degree	5 years	\$20,000
3 rd	Graduate Degree	3 years	\$25,000
4 th	Doctoral Degree	5 years	\$30,000

*Terms for which applicants are funded for less than six (6) credits may not be counted against the length of funding requirements.

**Maximum funding caps are per academic school year.

Article 8: FUNDING PROCESS

- 8-1. Funding is based on an August 1st - July 31st academic school year.
- 8-2. To be considered for the Oneida Higher Education Scholarship applicants **must have a complete student file prior to the end of the term for which funding is sought**. The Higher Education Office shall review an applicant's file and begin the award process upon its receipt of a complete student file.
- 8-3. Upon award, the Higher Education Office shall send award letters listing the Scholarship amount(s) to the applicant and the applicant's school's financial aid office.
- 8-4. The Higher Education Office shall send Scholarship funds directly to the school for disbursement. Applicants must abide by the school's policies regarding the release of financial aid funds to students.

Article 9: SCHOLARSHIP AWARD DETERMINATION

9. Scholarship award determinations are based on the following:

(a)

Student Status	Credits Per Term (Estimated)	Scholarship Funding
Full-Time: Vocational/Undergraduate Graduate/Post-graduate	12 credits 9 credits	Tuition/fees, required books and room/board.*
Student Status	Credits Per Term (Estimated)	Scholarship Funding
Part-Time: Vocational/Undergraduate Graduate/Post-graduate	6-11 credits 6-8 credits	Tuition/fees and required books.*
Less than Part-time	1-5 credits	Tuition/fees and required books.
Cosmetology	Required hours per student contract	Tuition/fees and required books/supplies.*

*The costs of attendance will be based on the applicant's individual financial need as determined by the FAFSA and the Financial Needs Analysis.

(b) Funding for study abroad that is a requirement to graduate will be coordinated with the school's financial aid office to include the cost of tuition, room & board and transportation. Personal and miscellaneous expenses are the applicant's responsibility. Funding for non-required study abroad college credit(s) will consist of tuition/fees and required books.

(c) Applicants taking classes 100% on-line are eligible for tuition/fees and required books based on the applicant's individual financial need as determined by the FAFSA and the Financial Needs Analysis. Other cost of attendance items will be based on the standard online budget developed by the Higher Education Office.

Article 10: GRADING REQUIREMENTS – GOOD STANDING

10. In order to meet the grading requirements and be in good standing as required by Article 5(c) students must:

(a) Meet the following Oneida GPA requirements:

Degree	Academic Requirements*
Vocational/Associate/Certificate	2.0 GPA
Undergraduate	2.0 GPA
Graduate	3.0 GPA
Doctorate	3.0 GPA
Cosmetology (Technical Diploma)	(Monthly requirement) Attendance = min. 90% Written = min. 80% Skills/Practical = min. 80%

* Academic Requirements based on a 4.0 grading scale.

(1) Courses that do not have associated grades or GPAs, for example when an applicant receives an incomplete, withdrawal or unsatisfactory for a course, the Higher Education Office will consider the course to have been failed.

(2) Term GPAs must always be calculated based on the actual number of credits funded.

- (b) Complete the total number of credits within the semester/term for which the Scholarship was provided based on an Official Transcript, which is an official report of a student's grades sent either directly from the educational institution, via mail, e-mail and certified as official or from the educational institution's e-script vendor.
- (c) Meet the standards of the applicant's school's financial aid academic good standing requirements, including GPA. Doctoral students will be considered to have met the requirements of this Article 10(a) so long as they have met the school's financial aid academic good standing requirements, including GPA.

Article 11: PROBATION AND SUSPENSION GUIDELINES

11-1. *Probation Status.* Applicants on probation remain eligible to receive a Scholarship award for the following term.

(a) While on probation:

(1) Applicants are strongly encouraged to meet with their school's advisors to develop a plan for academic success;

(2) Applicants must complete all the credits for which they receive the Scholarship, and must meet the academic requirements for good standing provided in Article 10; and

(3) At the close of the term for which an applicant is on probation, the applicant must request an Official Transcript be sent to the Higher Education Office to determine future funding status.

(b) The Higher Education Office shall place all applicants that fail to meet the probation requirements on suspension status.

11-2. *Suspension Status.* Applicants on suspension are not eligible to receive a Scholarship award.

(a) In order to have eligibility for the Higher Education Scholarship program reinstated, an applicant on suspension must:

(1) Make-up the number of credits that was incomplete during the funded term of academic suspension at the same academic level at an accredited post-secondary Institution and must meet the academic requirements for good standing provided in Article 10; or

(2) Repay the amount of the Scholarship for those incomplete credits that were funded during the term for which they were placed on suspension. Applicants who withdraw from school or do not earn any credits must repay the entire amount of the Scholarship.

11-3. The Higher Education Office shall place applicants on probation/suspension in accordance with the following, provided an applicant may be placed on probation/suspension for any single reason or any combination of the reasons:

	PROBATION	SUSPENSION
Failure to Meet GPA Requirements	An undergraduate/technical applicant earning a GPA between 1.0 and 1.9.	An undergraduate/technical applicant earning a GPA below 1.0.
	A graduate applicant earning a GPA between 2.0 and 2.9.	A graduate applicant earning a GPA below 2.0.
	A doctoral applicant earning a GPA between 2.0 and 2.9. *	A doctoral applicant earning a GPA below 2.0.*
	A cosmetology applicant with a monthly Official Transcript does not meet any one (1) of the academic requirements: (attendance 90%, written 80%, practical 80%).	A cosmetology applicant with a monthly Official Transcript does not meet any two (2) of the academic requirements: (attendance 90%, written 80%, practical 80%).
Failure to Complete All Funded Credits	An applicant who does not complete all of the credits for which he or she was funded.	An applicant who does not complete at least half of the credits for which they were funded.
Other	--	Failure to meet the requirements of probation.

* Doctoral students will be considered to have met the requirements of Article 10(a) so long as they have met the school's financial aid academic good standing requirements, including GPA.

Article 12: APPEAL PROCESS

12-1. An applicant may appeal a Scholarship decision made by the Higher Education Office, but only to the extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provision of the Oneida Higher Education Scholarship (Law) and/or this Handbook.

(a) An applicant may appeal a Scholarship decision made by the Higher Education Office by completing the appeal form available with the Higher Education Office and submitting it along with any required supporting documentation to the Higher Education Office, provided that, in order for the appeal to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office's Scholarship decision.

(b) Upon receipt of an appeal the Higher Education Office Review Panel (a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager) shall review the merits of the appeal and, within (10) business days from the date the appeal was received, shall issue the applicant a written determination.

12-2. The applicant may file an appeal of the determination made by the Higher Education Office Review Panel to the Division Director.

(a) An applicant may appeal a determination made by the Higher Education Office Review Panel by completing the appeal form available with the Higher Education Office and submitting it along with any required supporting documentation to the Higher Education Office, provided that, in order for the second-level appeal to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office Review Panel's written determination.

(b) Upon receipt of a second-level appeal, the Higher Education Office shall forward the appeal to the Division Director.

(c) Upon receipt of an appeal, the Division Director shall ensure the proper appeal process was followed, review the merits of the appeal and, within (10) business days from the date the appeal was received, issue the applicant a written determination with a copy provided to the Higher Education Office. Should the Division Director receive an appeal that did not follow the appeal process; the Division Director shall advise the applicant to follow the appeal process as outlined.

Article 13: EXCEPTION PROCESS

13-1. Exceptions may be offered under narrow grounds only for applicants facing extenuating circumstances whom are able to demonstrate that based on the totality of the circumstances the applicant will likely succeed in achieving the accomplishment sought either within the exception period and/or despite the extenuating circumstances that have made pursuing an exception necessary. The Higher Education Office may only grant the available exceptions provided in Section 401.7-2 of the Oneida Higher Education Scholarship (Law).

(a) The available exceptions are as follows:

(1) In regards to eligibility:

(A) The requirements to be in good standing as provided in Section 401.5-1(b) of the Law and Article 5(c) of this Handbook; and

(B) The requirement that the Scholarship be for a degree that is categorized in a funding tier that is higher than the funding of a previously earned degree as provided in Section 401.5-1(e) of the Law and Article 5(e) of this Handbook.

(2) In regards to application requirements, the requirement that a FAFSA be filed as provided in Section 401.5-2(a) of the Law and Article 4-1(a) of this Handbook.

(3) Length of funding as provided in Section 401.6-1 of the Law and Article 7: LENGTH OF FUNDING ELIGIBILITY of this Handbook.

13-2. An applicant may only request an exception as provided in Article 13-1.

(a) An applicant may request an exception to a Scholarship decision made by the Higher Education Office by completing the exception form available with the Higher Education Office and submitting it along with any required supporting documentation to include a written explanation of the extenuating circumstances that serve as the basis for requesting the exception to the Higher Education Office, provided that, in order for the exception to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office's Scholarship decision.

(b) Upon receipt of an exception the Higher Education Office Review Panel (a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager) shall review the merits of the exception and, within (10) business days from the date the exception was received, shall issue the applicant a written determination.

13-3 An applicant may file a request for reconsideration of an exception to the decision made by the Higher Education Office Review Panel to the Division Director by completing the exception form available with the Higher Education Office, noting that the request is for a reconsideration and submitting it along with any required supporting documentation to the Higher Education Office, provided that, in order for a request for reconsideration of an exception to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office Review Panel's written determination.

(a) Upon receipt of the request for reconsideration of an exception, the Higher Education Office shall forward the exception to the Division Director.

(b) Upon receipt of a request for reconsideration of the exception, the Division Director shall ensure the proper exception process was followed, review the merits of the exception and, within (10) business days from the date the request for reconsideration of the exception was received, issue the applicant a written determination with a copy provided to the Higher Education Office. Should the Division Director receive a request for reconsideration of an exception that did not follow the exception process; the Division Director shall advise the applicant to follow the exception process as outlined.

OTHER INFORMATION

FERPA – CONSENT TO RELEASE STUDENT INFORMATION

College students are allowed to determine who will receive information about them. While parents (or spouses) understandably have an interest in a student's academic progress, they are not automatically granted access; students must complete the Family Educational Rights and Privacy Act "FERPA" form in order for another individual to access their Oneida Higher Education records. This requirement is in compliance with the Privacy Act of 1974 (Public Law 93-579), the FERPA, which protects the privacy of students' educational records. The Act requires students to provide consent before their records may be accessed by third parties.

FUNDING COLLEGE CREDIT FOR PRIOR LEARNING/EXPERIENCE

Applicants may have the opportunity to earn academic credit for college level knowledge and competency outside the classroom, for which credit has not already been earned. These types of credit opportunities are coordinated through the applicant's individual school.

Applicants may apply for tuition reimbursement; applicants must submit their original receipts and documentation of their successful credit approval. Such applications are subject to the requirements contained in Article 5 and must be submitted to the Higher Education Office in the same academic school year as the credits were awarded by the school.

STUDENT LOAN DEFAULT OPTIONS

Applicants who are in student loan default may have options available to be reconsidered for federal financial aid and should contact the loan lender to discuss the potential availability of such options. For additional information regarding student loan issues, including, but not limited to loan repayment, consolidation, default and disputes, please go to www.ed.gov.

Adopted:

BC-_____

References:

Oneida Higher Education Scholarship (Law)

Trust Scholarship Policy and Procedure (Amended-BC 12-11-13E)

Addendum 01: EXAMPLES OF THE ARTICLE 5(e) REQUIREMENT

This Addendum 01 contains examples of potential scenarios where a student is seeking multiple degrees and the eligibility results based on the requirement in Article 5(e) that applicants must be seeking the Scholarship for a degree that is categorized in a funding tier that is higher than the funding tier of a previously earned degree based on the following funding tiers:

Tier Level	Achievement Sought	Length of Eligibility*	Maximum Funding**
1 st	Vocational Degree/Associate Degree/Certificate	2.5 years	\$20,000
2 nd	Undergraduate Degree	5 years	\$20,000
3 rd	Graduate Degree	3 years	\$25,000
4 th	Doctoral Degree	5 years	\$30,000

1. The following are examples of funding eligibility for degrees sought in separate funding tiers:

- (a) A student may be enrolled in a doctorate program, 4th tier, and a master's program, 3rd tier, at the same time and would be subject to the 4th tier maximums for length of eligibility and funding because the degrees are being earned at the same time and the doctorate is in the higher tier.
- (b) A student may complete a master's program based on the 3rd tier maximums for length of eligibility and funding and then, once complete, may complete a doctorate program based on the 4th tier maximums for length of eligibility and funding because the doctorate is in a higher funding tier than the previously earned master's degree.
- (c) A student may not complete a doctorate program based on the 4th tier maximums for length of eligibility and funding and then pursue a master's degree based on the 3rd tier maximums for length of eligibility and funding because the master's degree is in a lower funding tier than the previously earned doctorate degree.

2. The following are examples of funding eligibility for multiple achievements sought in the 1st tier funding of Certificates, Vocational degrees and associate degrees:

(a) If an applicant previously received a Scholarship to attend a one (1) year dental assistant program and completed that program with a vocational degree, he or she may still be awarded a Scholarship to pursue an associate's degree because while it is technically in the same funding tier, it is a more advanced degree than the previously earned vocational degree. It is important to note that while the student may still pursue the associate's degree, the scholarship award remains subject to the 1st tier's maximum length of funding of 2.5 years. Based on this, the applicant is eligible for the scholarship award and has 1.5 years remaining to complete the associate's degree.

(b) If the applicant previously received a scholarship to participate in an associate program and earned an associate's degree, he or she would not be eligible for a Scholarship award to pursue a certificate or a vocational degree at a later time, regardless of any remaining length of eligibility because the associate's degree is the most advanced degree in the 1st tier and applicants are not eligible for funding of a degree that is less advanced than a previously earned degree.

Addendum 02: ONEIDA TRUST SCHOLARSHIP

This Addendum 02 contains information related to the Oneida Trust Scholarship, which is a separate program from the Oneida Higher Education Scholarship program; it is governed by the Oneida Trust Scholarship Fund Policy and is administered by the Higher Education Office. Based on the Policy, the primary purpose of the Oneida Trust Scholarship “is to establish a trust resource for providing financial aid scholarships to assist eligible enrolled Oneida Tribal members in securing higher educational opportunities based on established criteria. This Fund is intended to provide assistance for higher education needs not being met by Tribal contribution [meaning the Oneida Higher Education Scholarship].”

1. Applicants seeking funding through the Oneida Trust Scholarship must be in good standing with the Oneida Higher Education Scholarship program and shall submit the Trust Scholarship Application and any required documents to the Higher Education Office.
2. In order to be eligible for an Oneida Trust Scholarship award, applicants must meet the following requirements:
 - (a) Be an enrolled Oneida Tribal Member;
 - (b) Be seeking post-secondary acceptance/opportunities through required pre-requisite accredited classes, post-graduate preparation preparatory/examinations, or related a preparatory courses;
 - (c) Complete the Oneida Trust Scholarship applications prior to the close of the class/term/examination; and
 - (d) Be in good standing with the Oneida Higher Education Scholarship program as defined by [Article 10: GRADING REQUIREMENTS – GOOD STANDING](#) of the Higher Education Student Handbook.



Legislative Operating Committee AGENDA REFERRAL FORM



1) Today's Date: 3 / 14 / 2016 Date of Referral Action: 3 / 9 / 2016

2) Entity that referred this item to LOC: Oneida Business Committee

3) Individuals or Entities to contact regarding this item: Lisa Summers, Tribal Secretary

4) Item referred: Petition-Debraska Health Board

5) Background information, including applicable actions and dates: The following motion was made at the 3/9/2016 OBC Meeting: Motion by Motion by David Jordan to accept the verified petition from Michael Debraska regarding establishing a Health Care Board; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary's Office within (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) days, seconded by Brandon Stevens. Motion carried unanimously.

6) Due date: Update due 4/20/2016; Analysis due 5/11/16

Please send this form and all supporting materials to:

LOC@oneidanation.org

or

Legislative Operating Committee (LOC)

P.O. Box 365

Oneida, WI 54155

Phone 920-869-4376

ONEIDA NATION
Office of the Tribal Secretary

Location:

N7210 Seminary Road
Oneida, WI 54155

Phone: (920)869-2214

**Mailing Address:**

P.O. Box 365
Oneida, WI 54155-0365

Fax: (920)869-4040

To: Business Committee Direct Reports
From: Lisa Summers, Tribal Secretary *LS*
Date: March 10, 2016
Re: Michael Debraska Petition – Establishing Health Care Board

The Business Committee took action on March 9, 2016 to direct our Direct Report offices to submit appropriate administrative analyses to the Tribal Secretary's office within 30 days for the attached petition requesting General Tribal Council to approve opening establishing a Health Care Board.

We would appreciate an initial review and if there is no impact, an email response of no impact or yes there is an impact is appreciated within 5 days. For those areas that are impacted, the full analyses are due within 30 days which is April 8, 2016. Please note, the legal, financial and legislative analyses are due within 60 days.

Please submit all responses to the TribalSecretary@oneidanation.org email address.

Thank you.

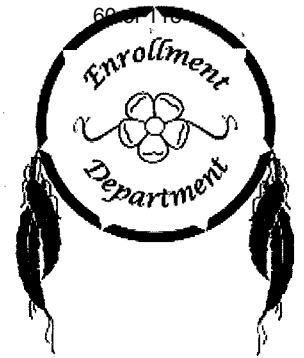
c: JoAnne House Chief Counsel
Larry Barton, Chief Financial Officer
Legislative Reference Office
GTC Petitions File



Oneida Tribe of Indians of Wisconsin
Enrollment Department
Latí'shanalo·loks
(They Gather the Names)

P.O. BOX 365, ONEIDA, WI 54155-0365

PHONE: (920) 869-6200 * 1-800-571-9902 FAX: (920) 869-2995
www.oneidanation.org/enrollment



TO: Oneida Tribal Secretary

FROM: Cheryl Skolaski, Enrollment Director

DATE: February 22, 2016

SUBJECT: GTC Petition Verification Results

On 2/22/2016 the Oneida Enrollment Department received a petition authored by Michael DeBraska regarding the Oneida Health Center/AJRCCC.

Results:

61	Number of Names on petition
60	Number of Names verified as Enrolled Tribal Members
0	Number of Tribal Members that did not meet the age criteria of 21 years
1	Number of Names that could not be verified
0	Number of Names that were submitted more than once
0	Number of Tribal Members invalidated due to Incompetency

(See Attached Legal Opinion dated 9/4/2014)

Verified by:

Cheryl Skolaski Enrollment Director 2/22/2016
Signature and Title Date

If there are any questions please contact the Enrollment Department.

PETITION

Petitioner's Name: Michael Debraska

Date Submitted: _____

6/6/61
Signatures
Verified
① Not Verified
Unable to read name
No name
Page 1 of 2
2/22/2016

We, the undersigned of fifty (50) or more qualified voters, do hereby request the Chairwoman of the Oneida Tribe of Indians of Wisconsin to call for a Special General Tribal Council (GTC) meeting to be held on a Saturday only to allow for greater membership participation with this petition being the only thing on the agenda, within sixty (60) days of receipt of this petition, to discuss the following:

1. A Health Care Board be created to oversee the Oneida Health Care Center and its staff, along with the Anna John Residential Community Care Center (AJRCCC); and
2. GTC select and appoint all Health Care Board members, set their stipends, approve their by-laws and resolutions and that this Health Care Board reports only to General Tribal Council to prevent politics of the health care system of who receives treatment by any single or multiple board, committee or commission; and
3. To change the Contract Health Services Delivery Area (CHSDA) that is currently limited to Brown and Outagamie Counties but rather make it state-wide within Wisconsin; and
4. All enrolled members of the Oneida Tribe of Indians of Wisconsin receive medical care first and payment of the enrolled member(s) medical bill(s) be paid first within forty-five days of receipt by the tribe, regardless of where care was received within the State of Wisconsin; and
5. GTC determine and limit, if necessary, the descendancy lineage to receive care and their medical bills being paid; and
6. GTC select and hire an administrator to oversee the Oneida Health Center and AJRCC based upon qualified applications received after notice is approved by GTC to post for hiring until the Health Care Board is established and then they can take over the duties of overseeing the staff; and
7. No action be taken by any other individual(s), department(s), board(s), committee(s), or commission(s) on any of these matters until GTC has heard this petition; and
8. Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

RECEIVED BY THE OFFICE
OF TRIBAL SECRETARY
ONEIDA BUSINESS COMMITTEE

FEB 22 2016

ONEIDA TRIBE OF
INDIANS OF WISCONSIN

INITIALS K

①

Printed Name:	Address:	DOB:	Roll #:	Signature:
			15947V	
			18626V	
			3899V	
			3898V	
			1208V	
			289V	
			67V	
			68V	
			3708V	
			9705V	
			2223V	
			136 1358V	
			8429V	
			3911V	
10738V				

①5 Verified
CP

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

P E T I T I O N

Petitioner's Name: Michael Debraska

Date Submitted: _____

Page 1 of 2

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2. GTC select and appoint all Health Care Board members, set their stipends, approve their by-laws and resolutions and that this Health Care Board reports only to General Tribal Council to prevent politics of the health care system of who receives treatment by any single or multiple board, committee or commission; and
3. To change the Contract Health Services Delivery Area (CHSDA) that is currently limited to Brown and Outagamie Counties but rather make it state-wide within Wisconsin; and
4. All enrolled members of the Oneida Tribe of Indians of Wisconsin receive medical care first and payment of the enrolled member(s) medical bill(s) be paid first within forty-five days of receipt by the tribe, regardless of where care was received within the State of Wisconsin; and
5. GTC determine and limit, if necessary, the descendency lineage to receive care and their medical bills being paid; and
6. GTC select and hire an administrator to oversee the Oneida Health Center and AJRCC based upon qualified applications received after notice is approved by GTC to post for hiring until the Health Care Board is established and then they can take over the duties of overseeing the staff; and
7. No action be taken by any other individual(s), department(s), board(s), committee(s), or commission(s) on any of these matters until GTC has heard this petition; and
8. Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

RECEIVED BY THE OFFICE
OF TRIBAL SECRETARY
ONEIDA BUSINESS COMMITTEE

FEB 22 2016

ONEIDA TRIBE OF
INDIANS OF WISCONSIN

INITIALS

2

Printed Name:	Address:	DOB:	Roll #:	Signature:
			7124	
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
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13.				
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① Verified
af
RECEIVED
FEB 22 2016
Oneida Enrollment Dept.

RECEIVED BY THE OFFICE OF TRIBAL SECRETARY ONEIDA BUSINESS COMMITTEE
FEB 22 2016
ONEIDA TRIBE OF INDIANS OF WISCONSIN
INITIALS <i>u</i>

PETITION

Petitioner's Name: Michael Debraska

Date Submitted: _____

Page 1 of 2

We, the undersigned of fifty (50) or more qualified voters, do hereby request the Chairwoman of the Oneida Tribe of Indians of Wisconsin, to call for a Special General Tribal Council (GTC) meeting to be held on a Saturday only to allow for greater membership participation with this petition being the only thing on the agenda, within sixty (60) days of receipt of this petition, to discuss the following:

1. A Health Care Board be created to oversee the Oneida Health Care Center and its staff, along with the Anna John Residential Community Care Center (AJRCCC); and
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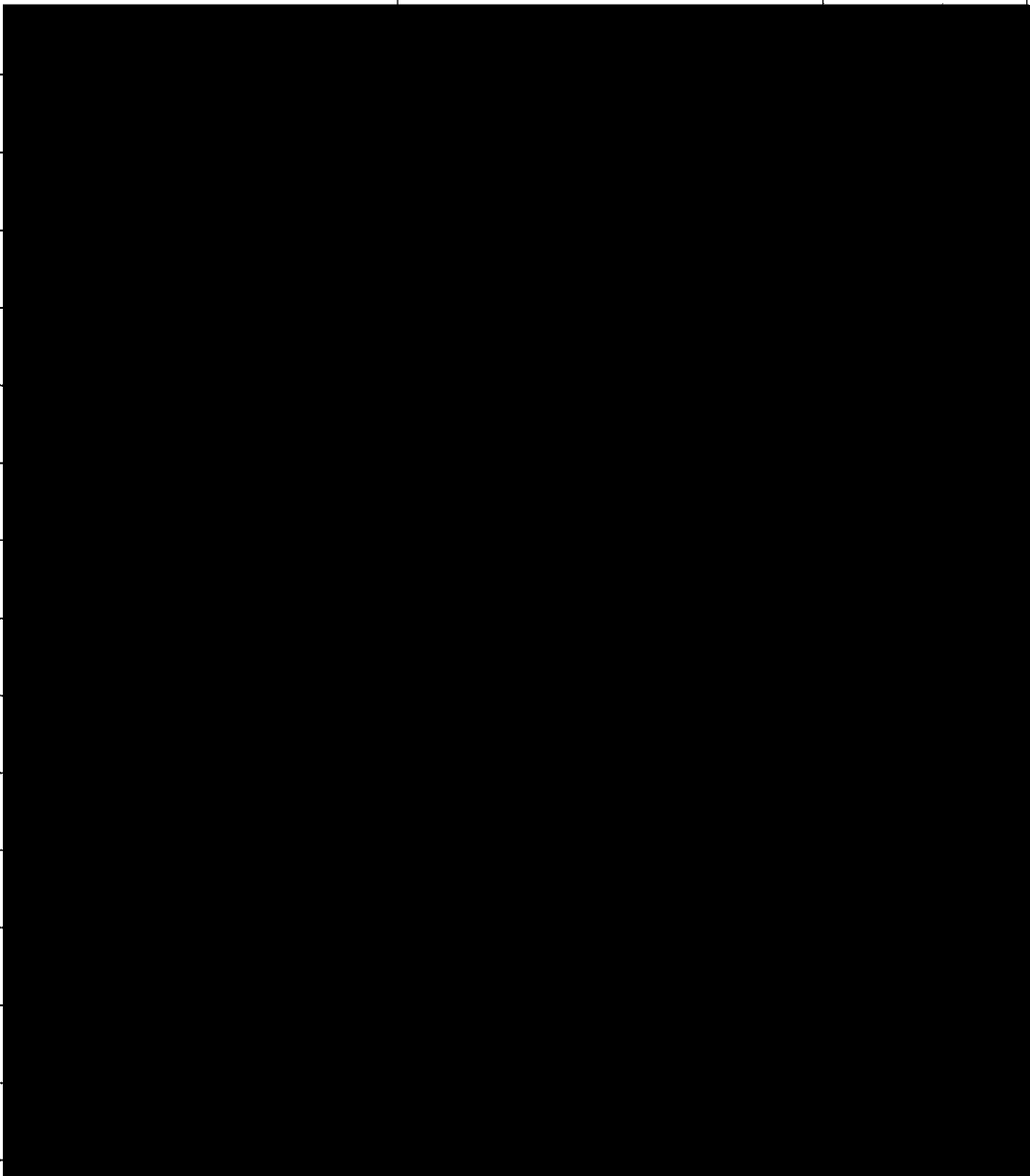
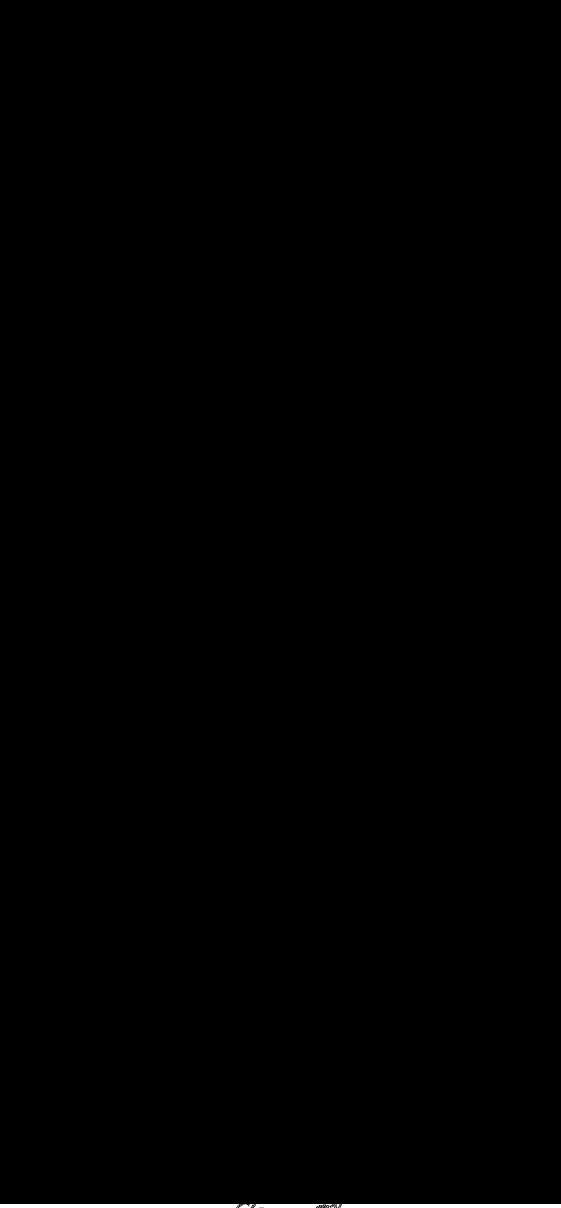
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FEB 22 2016

Oneida Enrollment Dept.

RECEIVED BY THE OFFICE OF TRIBAL SECRETARY ONEIDA BUSINESS COMMITTEE	
FEB 22 2016	
ONEIDA TRIBE OF INDIANS OF WISCONSIN	
INITIALS	<i>h</i>

(3)

Printed Name:	Address:	DOB:	Roll #:	Signature:
			0516✓	
			3920✓	
			9651✓	
			2478✓	
			3926✓	
			13047✓	
			2114✓	
			2072✓	
			7000✓	
			11174✓	
			14868✓	
			949✓	
			3322✓	
		8/12/43		
		3533✓		

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

(15) Verified
CJP

PETITION

Petitioner's Name: Michael Debraska

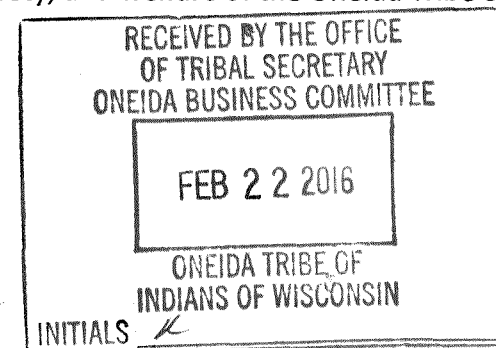
Date Submitted: _____

Page 1 of 2

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RECEIVED
FEB 22 2016
Oneida Enrollment Dept.



(4)

Printed Name:	Address:	DOB:	Roll #:	Signature:
			2089 ✓	
			2098 ✓	
			5536 ✓	
			213 ✓	
			1307 ✓	
			2936 ✓	
			7791 ✓	
			2438 ✓	
			10270 ✓	
			309 ✓	
			7802 ✓	
			1253 ✓	
			6084 ✓	
			3884 ✓	
			2630 ✓	

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

(15) Verified
CJP

P E T I T I O N**Petitioner's Name:** Michael Debraska**Date Submitted:** _____

Page 1 of 2

We, the undersigned of fifty (50) or more qualified voters, do hereby request the Chairwoman of the Oneida Tribe of Indians of Wisconsin, to call for a Special General Tribal Council (GTC) meeting to be held on a Saturday only to allow for greater membership participation with this petition being the only thing on the agenda, within sixty (60) days of receipt of this petition, to discuss the following:

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8. Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

RECEIVED BY THE OFFICE OF TRIBAL SECRETARY ONEIDA BUSINESS COMMITTEE
FEB 22 2016
ONEIDA TRIBE OF INDIANS OF WISCONSIN
INITIALS <i>K</i>

(5)

Printed Name:	Address:	DOB:	Roll #:	Signature:
			7905 ✓	
			5604 ✓	
			1077 ✓	
			1912 ✓	
			713 ✓	
			701 ✓	
			6370 ✓	
			10914 ✓	
			7233 ✓	
			7220 ✓	
			5540 ✓	
			4929 ✓	
			11946 ✓	
			3372 ✓	
			3374 ✓	

Not able to
read name
or signature
+ No DOB

TOTAL VERIFIED: (60)
VERIFIED BY: Cheryl Sholaski
2/22/2016
cp

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

(14) Verified
cp

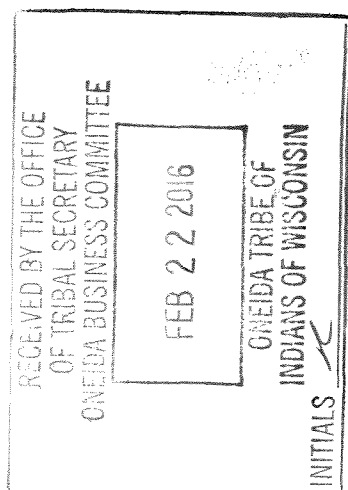
RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

- The tribe currently has approximately 2,700 descendant's that currently do or could receive treatment at our Health Center
- These descendant's can go out 5 generations and BEYOND. It could go beyond 5 generations but, as I understand it, the tribe only tracks to 5 generations out. It go out 6 or more.
- As a result of so many descendant's receiving treatment, our own enrolled members are being denied services on many levels—such as the ability to

- make timely and reasonable medical appointments without waiting for months
- medical bill(s) going unpaid and our own people's credit ratings being ruined. This has a trickle down effect of not being able to get a home or new car or paying much higher interest rates if they can.
- the Health Center/tribe having to create a NO SHOW POLICY due to individuals not showing for their scheduled appointments. INSERT BRANDON's FACEBOOOK POST HERE.



Based upon this, Madame Chairwoman, I now hold in my hand a petition to be submitted to the Secretary Lisa Summers with GTC as my witness. The reason I am doing it this way is, I and other GTC members DO NOT want this petition getting held up in a bureaucratic limbo like the 3&5K petition submitted by Dr. John Powless and others that have taken a year or more to be heard.

Therefore:-----

I make a motion to have this petition I hold in my hands that I am now submitting to the Secretary and a complete copy be made for me, that a SPECIAL GTC meeting be called and held within 60 days, on a Saturday only, with this item being the only thing on the agenda to be heard, with or without the fiscal and legal analysis' if they are or aren't done, as this issues affects the entire enrolled population of Oneida and involves the health, safety, and welfare of our tribe.



Legislative Operating Committee AGENDA REFERRAL FORM



1) Today's Date: 3 / 14 / 2016 Date of Referral Action: 3 / 9 / 2016

2) Entity that referred this item to LOC: Oneida Business Committee

3) Individuals or Entities to contact regarding this item: Lisa Summers, Tribal Secretary

4) Item referred: Petition-Metivier Per Capita

5) Background information, including applicable actions and dates: The following motion was made at the 3/9/2016 OBC Meeting: Motion by Motion by David Jordan to accept the verified petition from Yvonne Metivier regarding per capita FY '17 through FY '21; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary's Office within (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) days, seconded by Trish King. Motion carried unanimously.

6) Due date: Update due 4/20/2016; Analysis due 5/11/16

Please send this form and all supporting materials to:

LOC@oneidanation.org

or

Legislative Operating Committee (LOC)

P.O. Box 365

Oneida, WI 54155

Phone 920-869-4376

**Oneida Nation
Legislative Reference Office**

Krystal L. John, Staff Attorney
Douglass A. McIntyre
Taniquelle J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214
<https://oneida-nsn.gov/Laws>

Memorandum

TO: Legislative Operating Committee
FROM: Douglass McIntyre, Staff Attorney
DATE: March 22, 2016
RE: E-Poll Results for Petition: Metivier Per Capita FY17 through FY21

At the Oneida Business Committee (OBC) meeting held on March 9, 2016, the OBC accepted receipt of a petition from Yvonne Metivier concerning per capita payments. The OBC forwarded it for the appropriate analyses, including to the Legislative Reference Office for a legislative analysis, with a due date for the analyses within sixty (60) days.

On March 16, 2016, the Secretary's Office requested that the analyses be completed earlier than original deadline so that this petition could be paired with another petition on per capita payments already scheduled to go before the General Tribal Counsel. As a result, an E-Poll was conducted on March 16, 2016 to "add the Petition: Metivier-Per Capita FY17 through FY21 to the Active Files List, accept the statement of effect and forward the statement of effect to the Oneida Business Committee for consideration." The results are attached.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 16 / 16

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Accept the the Statement of Effect for the Petition: Metivier Per Capita FY17 through FY21.

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution

☐ Budgeted - Grant Funded

☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

On 3/9/2016, the OBC acknowledged receipt of the petition and ordered a legislative analysis.

Action requested:

Approve the attached Statements of Effect for Petition: Metivier Per Capita FY17 through FY21.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Nation Legislative Reference Office

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquelle J. Thurner, Legislative Analyst
Maureen Perkins, Legislative Analyst



P.O. Box 365
Oneida, WI 54155
(920) 869-4375
(800) 236-2214

<https://oneida-nsn.gov/Laws>

Statement of Effect

Petition: Metivier Per Capita FY17 through FY21

Summary

This petition requests that General Tribal Council (GTC) direct the Oneida Business Committee (OBC) to pay two thousand dollars (\$2,000) in per capita payments for Fiscal Years 2017 through 2021.

Submitted by Douglass A. McIntyre, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

On February 9, 2016, a petition was submitted to the Tribal Secretary's Office and has since been verified by the Enrollments Department. On March 9, 2016, the OBC accepted receipt of the petition and forwarded it for the appropriate analyses, including this legislative analysis.

The petition states: "GTC directs OBC to pay two thousand dollars (\$2,000) per capita beginning Budget year 2017 and 2018, 2019, 2020 and 2021."

After reviewing the petition and applicable laws of the Nation it has been determined that this petition would have no legislative impact. The Per Capita Law does not mandate a specific amount for per capita payments but rather leaves it to the direction of the GTC. *See 9.4-3.* Further, this petition does not contradict the GTC directive of May 5, 2013 for one thousand dollar (\$1,000) per capita payments beginning in 2014 as that motion was for three (3) years and that period has lapsed.

Conclusion

There is no legislative impact from the petition.

Requested Action

Accept the legislative analysis of the Petition: Metivier Per Capita FY17 through FY21.

Douglass A. McIntyre

From: Douglass A. McIntyre
Sent: Wednesday, March 16, 2016 1:18 PM
To: Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Ronald W. Hill; Jennifer A. Webster
Cc: Rhiannon R. Metoxen; Leyne C. Orosco; Nicolas A. Reynolds; Danelle A. Wilson; Krystal John
Subject: E-Poll on Petition
Attachments: ARF Petition-Metivier Per Cap.pdf; Petition-Metivier Per Cap Backup.pdf; Packet Petition Metivier Per Cap.pdf

Importance: High

The Secretary's Office has asked that the LOC conduct an E-poll on the statement of effect for **Petition: Metivier-Per Capita FY17 through FY21** so that item can be paired with another petition on per capita payments and still give the petitioner enough time to submit her own documents with the petition. Attached is the Agenda Referral Form for the item, petition backup and statement of effect.

The LRO is asking the LOC to vote via e-poll on a **motion to add the Petition: Metivier-Per Capita FY17 through FY21 to the Active Files List, accept the statement of effect and forward the statement of effect to the Oneida Business Committee for consideration.**

If you are in favor of this Motion please reply to this email with a yes or support.

Douglass A. McIntyre
 Staff Attorney
 Legislative Reference Office
 Oneida Tribe of Indians of Wisconsin
 (920) 869-4417

The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify us of the erroneous transmission.



please consider the environment before printing this email

Douglass A. McIntyre

From: Jennifer A. Webster
Sent: Wednesday, March 16, 2016 1:30 PM
To: Douglass A. McIntyre; Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Ronald W. Hill
Cc: Rhiannon R. Metoxen; Leyne C. Orosco; Nicolas A. Reynolds; Danelle A. Wilson; Krystal John
Subject: RE: E-Poll on Petition

Support.
Thanks,
Jenny

Douglass A. McIntyre

From: David P. Jordan
Sent: Wednesday, March 16, 2016 1:50 PM
To: Douglass A. McIntyre; Brandon L. Yellowbird-Stevens; Fawn J. Billie; Ronald W. Hill; Jennifer A. Webster
Cc: Rhiannon R. Metoxen; Leyne C. Orosco; Nicolas A. Reynolds; Danelle A. Wilson; Krystal John
Subject: RE: E-Poll on Petition

Support

Douglass A. McIntyre

From: Nicolas A. Reynolds on behalf of Fawn J. Billie
Sent: Wednesday, March 16, 2016 2:59 PM
To: Douglass A. McIntyre; Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Ronald W. Hill; Jennifer A. Webster
Cc: Rhiannon R. Metoxen; Leyne C. Orosco; Danelle A. Wilson; Krystal John
Subject: RE: E-Poll on Petition

Fawn is still having spotty email connectivity down in Phoenix. She ask me to reply for her. She supports putting it on the active files list.

Nic

Douglass A. McIntyre

From: Ronald W. Hill
Sent: Wednesday, March 16, 2016 2:58 PM
To: Douglass A. McIntyre
Cc: Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Rhiannon R. Metoxen; Leyne C. Orosco; Nicolas A. Reynolds; Danelle A. Wilson; Krystal John
Subject: Re: E-Poll on Petition

Support

Sent from my iPhone

Douglass A. McIntyre

From: Brandon L. Yellowbird-Stevens
Sent: Wednesday, March 16, 2016 3:05 PM
To: Douglass A. McIntyre
Cc: David P. Jordan; Fawn J. Billie; Ronald W. Hill; Jennifer A. Webster; Rhiannon R. Metoxen; Leyne C. Orosco; Nicolas A. Reynolds; Danelle A. Wilson; Krystal John
Subject: Re: E-Poll on Petition

Support

Sent from my iPad

ONEIDA NATION
Office of the Tribal Secretary

Location:

N7210 Seminary Road
Oneida, WI 54155

Phone: (920)869-2214

**Mailing Address:**

P.O. Box 365
Oneida, WI 54155-0365

Fax: (920)869-4040

To: Business Committee Direct Reports
From: Lisa Summers, Tribal Secretary *LS/ar*
Date: March 10, 2016
Re: Yvonne Metivier Petition – Per Capita FY 17 – FY 21

The Business Committee took action on March 9, 2016 to direct our Direct Report offices to submit appropriate administrative analyses to the Tribal Secretary's office within 30 days for the attached petition requesting General Tribal Council to approve per capita for FY 17 - FY 21.

We would appreciate an initial review and if there is no impact, an email response of no impact or yes there is an impact is appreciated within 5 days. For those areas that are impacted, the full analyses are due within 30 days which is April 8, 2016. Please note, the legal, financial and legislative analyses are due within 60 days.

Please submit all responses to the TribalSecretary@oneidanation.org email address.

Thank you.

c: JoAnne House Chief Counsel
Larry Barton, Chief Financial Officer
Legislative Reference Office
GTC Petitions File

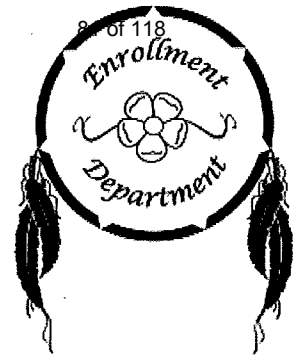


Oneida Tribe of Indians of Wisconsin
Enrollment Department
Latí'shanalo·loks
(They Gather the Names)

P.O. BOX 365, ONEIDA, WI 54155-0365

PHONE: (920) 869-6200 * 1-800-571-9902 FAX: (920) 869-2995

www.oneidanation.org/enrollment



TO: Oneida Tribal Secretary

FROM: Cheryl Skolaski, Enrollment Director

DATE: February 22, 2016


SUBJECT: GTC Petition Verification Results

On 2/22/2016 the Oneida Enrollment Department received a petition authored by Yvonne Metivier regarding Per Capita from 2017 to 2021.

Results:

70	Number of Printed Names on petition
69	Number of Printed Names verified as Enrolled Tribal Members
0	Number of Tribal Members that did not meet the age criteria for voting in accordance with the Oneida Constitution.
1	Number of Names that could not be verified
0	Number of Names that were submitted more than once
0	Number of Tribal Members invalidated due to Incompetency (See Attached Legal Opinion dated 9/4/2014)

Verified by:

	Enrollment Director	2/22/2016
Signature and Title		Date

This was resubmitted for verification because two individuals were deemed ineligible because they were under 21 on 2/19/2016 but the IBIA decision on 2/17/2016 determined eligible voters are 18+. Corrected verification to reflect this change.

If there are any questions please contact the Enrollment Department.

①

PETITION FORM

NAME OF PETITIONER: YVONNE METIVIER

PURPOSE: GTC directs OBC to pay \$2,000.00 per capita
beginning Budget year 2017 and 2018, 2019, 2020
and 2021.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: _____

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			9631	
			11348	
			4495	
			7494	
			13068	
			5102	
			1828	
			16480	
			5153	
			6973	
			6968	
			7623	
			8725	
			15990	
			269	

CORRECTIONS

6/7/70 Signature Verified

Signature Not Verified

Signature Not Verified

Signature Not Verified

6/7/70 Signature Verified
82 of 118
2/19/2016

⑮ Verified
Cp

2

Printed Name	Address	D.O.B.	Enrollment #	Signature	83 of 118
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					

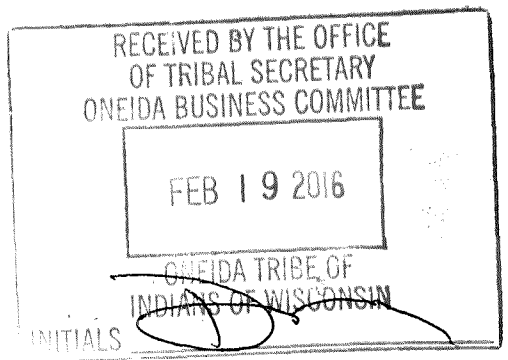
Total this sheet
15 Verified

ENROLLMENT NUMBERS VERIFIED BY: Cheryl Shokuchi DATE: 2/19/2016

NAME OF PETITIONER: Jeanette Metwin ENROLLMENT NUMBER: 10914

ADDRESS: _____
(STREET/ P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER: _____



PETITION FORM

84 of 118

NAME OF PETITIONER: YVONNE METIVIER Yvonne Metivier

PURPOSE: GTC directs OBC to pay \$2,000.00 per capita beginning Budget year 2017 and 2018, 2019, 2020, and 2021.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: _____

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			7802 ✓	
			10252 ✓	
			4024 ✓	
			15871 ✓	
			12629 ✓	
			15337 ✓	
			289 ✓	
			12469 ✓	
			11308 ✓	
			1138 ✓	
			10722 ✓	
			12427 ✓	
			12482 ✓	
			15021 ✓	
			14617 ✓	
			7100 ✓	

(15) Veri
ap

4

Printed Name

Address

D.O.B.

Enrollment #

Signature

85 of 118

[Redacted Name and Address]

5640	✓
14521	✓
11508	✓
14612	✓
12715	✓
11503	✓
	X
7379	✓
17062	✓
12924	✓

[Redacted Signature]

OK

ENROLLMENT NUMBERS VERIFIED BY: Cheryl Sholaski

DATE: 2/19/2016

NAME OF PETITIONER: Gronne Detwin

ENROLLMENT NUMBER: 10914

ADDRESS: _____
(STREET/ P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER: _____

TOTAL THIS SHEET 24

3 Not Verified
2 Not 21
1 No DOB or Roll #

Correction: 24 Verified this sheet
1 Not Verified No DOB or Roll #

Cheryl Sholaski 2/22/2016

RECEIVED BY THE OFFICE
OF TRIBAL SECRETARY
ONEIDA BUSINESS COMMITTEE

FEB 19 2016

ONEIDA TRIBE OF
INDIANS OF WISCONSIN

INITIALS [Signature]

PETITION FORM

86 of 118

NAME OF PETITIONER: YVONNE RETIVIER Yvonne Retivier

PURPOSE: GTC directs OBC to pay \$2,000.00 per capita beginning Budget year 2017 and 2018, 2019, 2020, and 2021.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: _____

ONEIDA TRIBAL SECRETARY
RECEIVED BY THE OFFICE

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			9632 ✓	
			1299 ✓	
			1301 ✓	
			9633 ✓	
			13563 ✓	
			1294 ✓	
			11786 ✓	
			10248 ✓	
			18565 ✓	
			1101901 ✓	
			171126 ✓	
			10455 ✓	
			10914 ✓	
15.				

(13) Verified
Cip

10

Printed Name	Address	D.O.B.	Enrollment #	Signature
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

87 of 118

TOTAL
THIS
SHEET
(13)

ENROLLMENT NUMBERS VERIFIED BY: Cheryl Skolaski

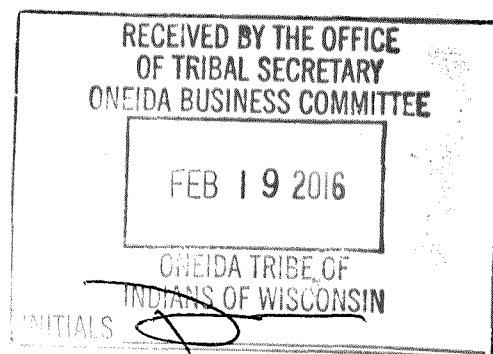
DATE: 2/19/2016

NAME OF PETITIONER: Gronne Metivier

ENROLLMENT NUMBER: 10914

ADDRESS: _____
(STREET/ P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER: _____



PETITION FORM

88 of 118

NAME OF PETITIONER: YVONNE METIVIER

PURPOSE: GTC directs OBC to pay \$2,000.00 per capita beginning Budget year 2017 and 2018, 2019, 2020, and 2021.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: _____

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			1910 ✓	
			1914 ✓	
			3635 ✓	
			5292 ✓	
			3640 ✓	
			11628 ✓	
			7326 ✓	
			8950 ✓	
			1968 ✓	
			4227 ✓	
			3625 ✓	
			2072 ✓	
			105413 ✓	
			3040 ✓	
			8230 ✓	

(15) Verified
CP

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

Krystal L. John, Staff Attorney
Douglass A. McIntyre
Taniquelle J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214

<https://oneida-nsn.gov/Laws>

Memorandum

TO: Legislative Operating Committee
FROM: Krystal L. John, Staff Attorney *KLJ*
DATE: March 22, 2016
RE: E-Poll Results for updated Employment Law Public Meeting Packet

At the Legislative Operating Committee (LOC) meeting held on March 2, 2016 the LOC approved the public meeting packet for the Employment Law's March 31, 2016 public meeting.

Since that date the draft of the Employment Law and the legislative analysis has been updated and we would like to reflect that in the public meeting packet in order to receive the best possible feedback from the public.

Please accept the attached results of the E-Poll that was conducted on March 15, 2016 to approve the updated public meeting packet for the Employment Law public meeting to be held on March 31, 2016.

From: Krystal John
Sent: Tuesday, March 15, 2016 4:09 PM
To: Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Ronald W. Hill; Danelle A. Wilson; Leyne C. Orosco; Nicolas A. Reynolds; Rhiannon R. Metoxen
Cc: Maureen S. Perkins
Subject: Employment Law Public Meeting Packet E-Poll
Attachments: 2016 03 31 Employment Law PM Packet.pdf

Good afternoon, LOC,

Please respond with your approval of the attached revised public meeting packet for the Employment Law public meeting scheduled for March 31, 2016. The public meeting packet is updated in order clarify some points in the analysis and also to update the draft of the Employment Law and the analysis based on revisions that have been made to the Employment Law and the Employee Handbook based on feedback we have received in the course of the our informational meetings with employees.

Thank you and have a wonderful evening.

Krystal L. John, Staff Attorney
Legislative Reference Office
Oneida Tribe of Indians of Wisconsin
(920) 869-4375

The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify us of the erroneous transmission.



From: Ronald W. Hill
Sent: Tuesday, March 15, 2016 4:24 PM
To: Krystal John
Cc: Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Danelle A. Wilson; Leyne C. Orosco; Nicolas A. Reynolds; Rhiannon R. Metoxen; Maureen S. Perkins
Subject: Re: Employment Law Public Meeting Packet E-Poll

Approve.

Sent from my iPhone

From: Jennifer A. Webster
Sent: Tuesday, March 15, 2016 6:57 PM
To: Krystal John; Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Ronald W. Hill; Danelle A. Wilson; Leyne C. Orosco; Nicolas A. Reynolds; Rhiannon R. Metoxen
Cc: Maureen S. Perkins
Subject: RE: Employment Law Public Meeting Packet E-Poll

Approve.
Jenny

From: David P. Jordan
Sent: Wednesday, March 16, 2016 8:58 AM
To: Krystal John; Brandon L. Yellowbird-Stevens; Fawn J. Billie; Jennifer A. Webster; Ronald W. Hill; Danelle A. Wilson; Leyne C. Orosco; Nicolas A. Reynolds; Rhiannon R. Metoxen
Cc: Maureen S. Perkins
Subject: RE: Employment Law Public Meeting Packet E-Poll

support

NOTICE OF
PUBLIC MEETING

TO BE HELD
March 31, 2016 at 12:15 p.m.
IN THE
OBC CONFERENCE ROOM
(2nd FLOOR—NORBERT HILL CENTER)

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

TOPIC: EMPLOYMENT LAW

This is a proposal for a new Tribal law which would:

- ◆ Replace the current Personnel Policies and Procedures;
- ◆ Provide a fair, consistent and efficient structure to govern all employment matters;
- ◆ Streamline current processes to reduce cost, time and resources;
- ◆ Provide the framework for Employment matters with the detailed content currently contained in the Personnel Policies and Procedures being delegated to HRD in the form of rules HRD shall create pursuant to the Administrative Rulemaking Law;
- ◆ Allow tribal entities the latitude to adjust certain employment practices to best fit their individual entities;
- ◆ Dissolve the Personnel Commission and redirect its currently assigned duties; the Oneida Judiciary will absorb the hearing body authority and the duties related to hiring process are transferred to HRD.

To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office.

PUBLIC COMMENT PERIOD
OPEN UNTIL APRIL 7, 2016

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

Legislative Reference Office
PO Box 365 Oneida, WI 54155
LOC@oneidanation.org
Phone: (920) 869-4376 or (800) 236-2214
Fax: (920) 869-4040



Employment Law

3/15/16 Draft 2 to Draft 17

Analysis by the Legislative Reference Office					
Title	Employment Law (Law)				
Requester	OBC Directive	Drafter	Krystal L. John	Analyst	Maureen Perkins
Reason for Request	To develop an employment law to replace the Personnel Policies and Procedures (PPP), also known as the blue book.				
Purpose	To provide a fair, consistent and efficient structure to govern all employment matters [See 300.1-1].				
Authorized/ Affected Entities	Human Resources Department (HRD), current and future Tribal employees, Tribal Entities, Supervisors, Reviewing Supervisors, Oneida Business Committee (OBC)				
Due Process	Reviewing Supervisor and/or Judiciary [See 300.10].				
Related Legislation	Anonymous Letters Policy, Lay Off Policy, Furlough Policy, Conflict of Interest Policy, Drug and Alcohol Free Workplace, Garnishment Ordinance, Military Services Employee Protection Act, Early Return to Work, Oneida Safety Law, Oneida Worker's Compensation Law, Computer Resources Ordinance, Clean Air Policy, Paper Reduction Policy, Social Media Policy, Oneida Travel and Expense Policy				
Enforcement	Corrective Action including verbal & written warnings, suspension and/or termination [See 300.3-1 (c)].				

Overview

This is a new Law that will replace the current Personnel Policies and Procedures. The Law provides a fair, consistent and efficient structure to govern all employment matters. The Law streamlines current processes to reduce cost, time and resources. The Law contains the framework and much of the detailed content of the current Policies and Procedures have moved to the Handbook. The GTC retains authority to amend or repeal the law under the Legislative Procedures Act. Under the Administrative Rulemaking Law, the HRD would have the authority to amend the Handbook with OBC approval. The Law dissolves the Personnel Commission and redirects the duties currently assigned. Hearing Body Authority will move to Oneida Judiciary and the duties within the hiring process will move to HRD.

- Dissolves Personnel Commission moving duties to HRD.
- Oneida Judiciary will hear appeals.
- Change to at-will employment for all temporary and probationary employees.
- Temporary employees no longer receive holiday pay.
- Funeral Leave for immediate family has increased to five (5) days and is non-discretionary.

Repealed Resolutions

- (a) The Oneida Tribal Management System and amendments to the Tribal Management System, including the Personnel Policies and Procedures adopted by the Oneida Business Committee on May 7, 1985;
- (b) BC Resolution BC-05-11-11-A entitled Establish Tuberculosis Control Program;
 - The TB program appears in the Law [see 300.5-5 (a)].

Employment Law

3/15/16 Draft 2 to Draft 17

- (c) The Employee Protection Policy adopted by emergency pursuant to BC-4-20-95-B, permanently adopted pursuant to BC-12-6-95-B and subsequently amended pursuant to BC-1-20-99-B and BC-6-30-04-J;
 - Employee Protection appears in the Handbook *[see XIV 14-1 to 14-3]*.
- (d) The GED Policy approved by the Oneida Business Committee on October 21, 1992;
 - GED Policy appears in the Law *[see 300.5-4]* and the Handbook *[see 4-3(b)]*.
- (e) BC Resolution BC-07-22-09-B entitled Oneida Nation Veterans Affairs Committee, Paid Time Off for Selected Color Guard Members Who Are Employees;
 - Included in the Handbook *[see 9-8]*.
- (f) The Parent Leave Policy adopted pursuant to BC-03-02-94-A;
 - Parent leave is included in the Handbook *[see 9-6]*.
- (g) BC Resolution 04-05-95-A regarding a paid break for donating blood at a blood drive coordinated by the Nation;
 - Paid blood donation break appears in the Handbook *[8-1(d)]*.
- (h) BC Resolution 05-12-93-J regarding HRD's role in the interpretation, implementation and enforcement of the Personnel, Policies and Procedures;
 - HRD's role and responsibilities are included in the law *[see 300.4]*.
- (j) GTC Resolution 05-23-11-A entitled Personnel Policies and Procedures Amendments to Strengthen Indian Preference in Hiring.
 - Some of the content of this resolution appears in the Law and Handbook, some of the content has changed.

Proposed Amendments

Current Policies and Procedures Section II Recruiting

- Repeal GTC Resolution 5-23-11-A
- Change policy regarding labor pools
- Temporary employees are at-will with no appeal rights
- Temporary employees no longer receive holiday pay

Current Policies and Procedures	Proposed Law	Analysis
Section II Recruiting		
1. Recruiting Strategy	Removed	
2. Applicant Pool	Removed	

Current Policies and Procedures	Proposed Law	Resolutions	Analysis
Section II B Labor Pools 3. ...All qualified applicants will then be placed in a pool according to the Tribe's Oneida and Indian Preference Policy and the date the application was received. All applicants will be notified of acceptance into or rejection from the pool.	Handbook 5.7(d) (1) Work with a Hiring Representative to interview, pursuant to Article 5-8, and rank, pursuant to Article 5-9, each applicant in the labor pool. When all interviews and rankings of the labor pool are complete, the Supervisor shall make a selection pursuant to Article 5-10; or (2) Request that a hiring	GTC Resolution 5-23-11-A Personnel Policies and Procedures Amendments to Strengthen Indian Preference in Hiring: "...requiring that all Labor Pool Positions will be considered based, first on Indian Preference and second, on the date the	Indian Preference still applies to Labor Pools. This Law requests GTC to repeal GTC Resolution 5-23-11-A and changes the policy removing the date the application was received as a place in the pool.

Employment Law

3/15/16 Draft 2 to Draft 17

	representative complete a pre-screening of the labor pool based on the applications submitted and the screening process contained in Article 5-6 to provide the supervisor with the top (3) qualified applicants for the position. The supervisor may then interview the top three (3) applicants in the labor pool pursuant to Article 5-8(a) and (b), and rank them, pursuant to Article 5-9. When all interviews and rankings are complete, the supervisor shall make a selection, provided that, if there is one (1) or more Oneida applicant in the top three (3) most qualified, an Oneida applicant must be selected.	application was received would also increase the number of Tribal members who are employed by the Tribe”.	LOC may consider incorporating GTC directive into Proposed Handbook or repeal the GTC Resolution 5-23-11-A.
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Emergency Temporary Positions			
e. Temporary employees will be paid within the Grade in which the job is classified and salary will be negotiated within the first three (3) steps of respective grade. 1. Any negotiated salary beyond step three will require written justification and approval from the respective General Manager.	Handbook 5-11. Hiring Negotiations. The supervisor shall review the Wage and Salary charts created by HRD pursuant to Article 7-1(a) and shall determine the Wage or Salary to offer the applicant, which must be approved by HRD to ensure procedural compliance with Article 7-1(b). Should the supervisor seek to deviate from the standard Grade placement, HRD must approve the selected Wage or Salary.		The final wage negotiation has moved from the General Manager to HRD.
g. Temporary employees that are terminated due to documented cause will have the right to the appeal process as outlined in the personnel policies and procedures.	5-18. At-Will Employees. (i) At-will Employees may be terminated at any time, for any reason, provided that, if the at-will Employee has not demonstrated behavior related issues but is not a good fit for the position, the supervisor shall separate, not terminate, the at-will Employee. (j) At-will employees, excluding political appointees that are hired through the normal hiring process, do not have access to the grievance process provided in Article 13.		Change to at-will employment for temporary employees. Temporary employees can be let go at any time and do not have access to appeal process.
4. Benefits ET...eligible for benefits as defined in this section of the Personnel Policies and Procedures as Mandatory Benefits and Holiday pay.	7-11. Paid Holidays. (a) The following employees are not eligible for paid holidays: (1) Temporary at-will employees;		Temporary employees no longer receive Holiday pay.

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Current Policies and Procedures Section III Selection Policy

Employment Law

3/15/16 Draft 2 to Draft 17

- 58 • Hiring Philosophy condensed.
- 59 • Oneida and Indian Preference changed for descendants per GTC resolution and BC
- 60 action.
- 61 • Step relationships added to the immediate family definition for purposes of determining
- 62 nepotism and conflict of interest.
- 63 • Electronic submission of applications added.
- 64 • Initial posting for Oneida applicants only has been removed; Oneida's are still given
- 65 preference in the interview process and Oneida and Indian Preference still apply to all
- 66 hiring decisions.
- 67 • Selection has changed from the top two to the top three.
- 68 • Interim transfers have been reduced to a maximum of one year.
- 69 • Change in the transfer process.
- 70 • Employees separated or terminated during probationary period no longer receive credit
- 71 for accrued personal time off.
- 72

Current Policies and Procedures	Proposed Law	Analysis
A. ONEIDA PREFERENCE AND INDIAN PREFERENCE POLICY STATEMENT "...As a sovereign Indian Tribe and a unique cultural group, the Oneida Tribe has determined that a highly desirable employment characteristic is a knowledge of Oneida culture that can be attained only by membership (or eligibility for membership) in the Oneida Tribe. Further, the Tribe recognizes the unique, shared culture of Native American Indians and has determined that a desirable employment characteristic is status as a member of an American Indian tribe. At a minimum, the Tribe has determined that some knowledge of Indian culture is a desirable employment characteristic..."	300.1. Purpose and Policy 300.1-2. It is the Nation's policy to provide entities latitude to create human resource practices to fit their individual industry standards, while creating a strong and healthy work environment. In addition, although certain federal and state laws, specifically Title VII, do not apply to the Nation, the Nation's employment policy is to afford applicants and employees equal employment opportunities while recognizing the Nation's Oneida and Indian employment preference. The Nation's hiring philosophy is to recruit, hire, retain and develop individuals who are culturally respectful, professionally competent and familiar with the Oneida community.	Condensed. See Oneida and Indian Preference section for additional detail.

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Current Policies and Procedures	Proposed Law	Resolution	Analysis
Priorities of Indian Preference 1. Enrolled Oneida Tribal member; 2. Oneida Indians eligible for enrollment in the Oneida Tribe; 3. Documented first generation	300.5-3. Oneida and Indian Preference. The Nation shall apply Oneida and Indian Preference to all hiring practices. (a) Unless otherwise prohibited by law or grant funding requirements, the Nation shall apply the following order of Oneida and Indian Preference in staffing decisions: (1) Persons who are tribal members. (2) Persons who meet the blood quantum requirements contained in the Membership Ordinance, but are not currently tribal members, and/or persons who are documented first generation descendants of a tribal member. (3) Persons enrolled in any federally recognized tribe other than this Nation.	GTC Resolution 5-23-11-A Personnel Policies and Procedures Amendments to Strengthen Indian Preference in Hiring	Change in preference for descendants per BC work meeting 10/8/15 and GTC Resolution.

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Oneida descendant; 4. Other Native American Indian; 5. Other (non-Indian).	(4) All other non-Indian persons. (b) If a law or grant funding requirement prohibits the application of Oneida and Indian Preference in accordance with 300.5-3(a), the Nation shall make staffing decisions in accordance with the Indian Preference requirements of the said law or grant. (c) Oneida and Indian Preference applies only when an applicant meets all the minimum requirements of the position applied for. (d) Oneida-Only Positions. To the extent possible, all top administrative and political appointee positions must be held by tribal members. ¹ If a position requires specific skills and/or licensing by the state or federal government and there are no available tribal members who possess the necessary skills or licensing to assume the vacancy, only then may a non-tribal member be selected to fill the vacancy.		
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Current Policies and Procedures	Proposed Law	Analysis
B. HIRING PROCEDURE		
1. Statement of Policy	Removed	

e. Conflict of Interest and Nepotism	Step relationships added	
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2. Hiring Procedures b. Personnel Commission	Removed	
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4. Job Descriptions	Detail removed	
d. Applications	Detail removed	
3) Application Deadline	Mailed application removed Electronic submission added	
4) All applications will be acknowledged.	Removed	

Current Policies and Procedures	Proposed Law	Resolutions	Analysis
e. Advertising 2) Unless otherwise prohibited by external grant source or federal law, the first posting for a position vacancy shall be limited to enrolled Oneida members and shall be posted for a minimum of seven (7) calendar days.	Handbook 5-3. Posting Vacancies. (a) New Positions. All new positions, excluding those intended to be filled with an At-Will Employee, must simultaneously be posted internally and externally for a minimum of seven (7) days. 5-8. Interviews. (a) (1) If there are two (2) or more qualified and eligible Oneida applicants the hiring representative shall schedule interviews with the Oneida applicants first. In such circumstances, the remaining applicants, if any, may only be scheduled for interviews if an Oneida applicant has not been selected pursuant	GTC Resolution 5-23-11-A Personnel Policies and Procedures Amendments to Strengthen Indian Preference in Hiring: “...Initially posting all vacant positions as “Oneida Only” would increase the number of Tribal members who are employed by the Tribe”.	All postings are now completed at one time; if two (2) or more qualified Oneida’s apply, they will be interviewed first and a selection made as long as there are at least two (2) eligible Oneida’s after the interview process has been completed. This Law requests GTC to repeal GTC Resolution 5-23-11-A. LOC may consider

Employment Law

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	<p>to Article 5-10.</p> <p>(2) If there are not two (2) or more qualified and eligible Oneida applicants, the hiring representative shall schedule interviews if there are three (3) or more qualified and eligible applicants in total.</p> <p>5-10. Selection.</p> <p>(a) When all interviews have been conducted, if applicable, the supervisor shall select an applicant for the position based on the following, provided that if there are two (2) or more qualified and eligible Oneida applicants, one (1) of the Oneida applicants must be selected: ...</p>		<p>incorporating GTC directive into Proposed Handbook or repeal the GTC Resolution 5-23-11-A.</p>
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Current Policies and Procedures	Proposed Law	Analysis
<p>f. Screening of Applicants</p> <p>2) The HRD Office shall notify screened out applicants within five (5) working days after the initial screening and reserve these applications in the general recruiting pool.</p>	Removed	
<p>h. Selection</p> <p>1) The supervisor shall select one of the top two (2) candidates as ranked through the rating scale.</p>	<p>Handbook 5-10. Selection.</p> <p>All hiring decisions must adhere to the Oneida and Indian preference policy as contained in the Employment Law.</p> <p>(a) The Hiring Representative shall provide the supervisor(s) with the top three (3) ranked applicants.</p>	<p>Selection has changed from the top two to the top three ranked applicants. Oneida and Indian Preference apply.</p>

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Current Policies and Procedures	Proposed Law	Analysis
<p>C. TRANSFERS AND PROMOTIONS POLICY</p> <p>Procedure</p> <p>a. Internal Posting and Bidding</p> <p>1) Open positions as determined by a supervisor and his/her Area Manager will be posted internally for five (5) working days. This internal posting will be concurrent with the external (public) posting of positions.</p> <p>2) Tribal employees may bid for transfers by notifying their immediate supervisor and submitting an Application Form to the</p>	<p>Handbook</p> <p>5-2. Approval Process for Posting Employment Vacancies.</p> <p>(2) Interim transfers may be requested in six (6) months increments, provided that transfers for positions that require posting prior to being filled on an interim basis may not exceed one (1) year.</p> <p>5-14. Career Ladders: Student Internships and Promotions.</p> <p>(a) Promotions. Supervisors may reward an employee's performance achievements by promoting the employee.</p> <p>5-15. Employee Transfers. Employee transfers must be approved by HRD for procedural compliance and by the prospective transfer's employee supervisor and reviewing supervisor.</p> <p>(a) Upon approval of a transfer, the employee's current employee supervisor and prospective</p>	<p>Current Tribe Wide SOP: Interim transfers are up to two (2) years. Proposed interim capped at one (1) year.</p> <p>The initial five (5) day posting for transfers has been removed.</p> <p>Transfers can be considered at any time in the posting and selection process. Positions can be posted internally first to consider transfers at the supervisor's discretion. Positions may also be posted both internally and</p>

Employment Law

3/15/16 Draft 2 to Draft 17

<p>HRD Office.</p> <p>a) The HRD Manager will inform all affected Area Managers of each transfer bid.</p> <p>3) At the end of the five day internal posting period, the HRD Manager will schedule a conference with the open position's supervisor and the Area Manager.</p> <p>a) The conference committee will consist of the supervisor, the Area Manager and the HRD Manager (or designate) acting as this Committee will:</p> <ol style="list-style-type: none"> Establish selection criteria; and Review each bid. <p>b) The Committee may select the best-qualified applicant but is not required to choose an applicant to fill the open position from those employees who have submitted an application for a transfer or promotion.</p> <p>c) If the Committee does not fill the position from the transfer/promotion process, the process will continue through the full advertising, screening and interview steps.</p> <p>c) An employee must have completed one year of service to the Tribe before being eligible for a promotion or transfer (requests for transfers for documented medical conditions will be handled on a case by case basis and only when in the best interests of both the employee and the Tribe);</p> <p>d) The newly transferred or promoted employee shall be require to complete a three (3) month probation period (all conditions of the Tribe's Probation Policy shall apply).</p>	<p>employee supervisor shall discuss and agree upon a transition plan for the employee which will allow the current employee supervisor adequate time to respond to the newly vacant position. Unless otherwise agreed to by the employee and the supervisors, all transfers must be complete within forty-five (45) days of the date notice of the transfer was provided to the employee's current employee supervisor.</p> <ol style="list-style-type: none"> Employees become eligible to transfer within their entity after achieving six (6) months of continuous employment with the Nation and are eligible to transfer organization-wide after achieving one (1) year of continuous employment with the Nation. Transferring employees are not subject to an additional probationary period, but are subject to the evaluation requirements for probationary employees as provided in Article 5-13(d). 	<p>externally at the supervisor's discretion.</p> <p>The process to apply for a transfer and the detail regarding transfers being considered prior to all other applicants is not included in the Handbook.</p> <p>The length of employment to be considered for transfer has remained at one year external to the employee's department and changed from one year to six months internally within employee's department.</p> <p>Transfers for medical reasons are not mentioned in the Law or Handbook.</p> <p>The probationary period for transfers has been removed but the evaluation period has remained.</p>
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Employment Law

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Current Policies and Procedures	Proposed Law	Analysis
D. Probation		
3. Completion of Probation Period b. Employees who are terminated during the probation period will receive credit for accrued vacation/personal days in their final paycheck.	(a) Employees accrue paid time off during their probationary period. An Employee may not use or, in the event of Separation or termination, be paid out for any accrued paid time off until the Employee has successfully completed his or her probationary period, except that Employees whose probation period is extended may begin using accrued paid time off beginning after the close of the initial ninety (90) probation period.	Employees separated or terminated during probationary period no longer receive credit for accrued personal time. Employees may not use accrued PTO until after their initial 90 day probationary period and cannot make purchases using payroll deduction.

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Current Policies and Procedures Section IV Compensation and Benefits

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- Change in notice to supervisor for PTO for unforeseen circumstances.

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- Change from PTO taken without 24 hour notice limited to 6 occurrences with no supervisor discretion in a 12 month period after which a corrective action may be initiated.

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- A 12th floater holiday was added.

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- Change in personal and vacation time combined into Personal Time Off (PTO) without a change in the number of hours. Change from days off to hours off.

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- Change from meeting attendance to speaker responsibilities with a change in the amount of compensation an employee can keep.

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- Funeral leave has changed.

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- Change in leaves of absence to personal leave.

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- Change in maternity leave to include paternity leave and adoption.

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- Change in accruals for military leave.

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Current Policies and Procedures	Proposed Law	Analysis
2. Workday b. 2) In case of an unavoidable delay or absence, the supervisor must be notified no later than thirty (30) minutes after the scheduled starting time. Employees are encouraged to notify their supervisor before their scheduled starting time. a) Employees failing to report to their assigned jobs or failing to call in within the thirty (30) minute time allowed will be subject to disciplinary action.	Handbook 8-1. Business Day. (h) In the case of an illness or unforeseen circumstances, an employee must notify his or her employee supervisor that he or she will be absent no less than fifteen (15) minutes prior to the employee's scheduled starting time. Employees may use PTO based the reduced notice requirements in this Article a maximum of six (6) occurrence's in twelve (12) month period. (i) Entities may develop their own standard operation procedures that deviate from the requirements contained in sub-Articles (g) and (h), provided that, in regards to sub-Article (h), Entities may not provide Employees with less than six (6)	Change from required notice to supervisor 30 minutes after to a minimum of 15 minutes before scheduled work start time. Entities may develop their own standard operating procedure to require increased notice. Employees are

Employment Law

3/15/16 Draft 2 to Draft 17

	occurrences to request PTO using the reduced notice requirements and may not require greater than two (2) hours of notice. Such standard operating procedures may include blackout dates deemed critical to business during which no PTO may be taken regardless of whether it is proposed to be taken pursuant to sub-Article (g) or (h) above.	entitled to six (6) occurrences of reduced notice PTO with no supervisor discretion in a twelve (12) month period.
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Current Policies and Procedures	Proposed Law	Analysis
4. Holidays. a. Tribal holidays consist of the following: 1) One-half day Christmas Eve 2) Christmas Day 3) New Year's Day 4) Memorial Day 5) Veteran's Day 6) Independence Day 7) Labor Day 8) Thanksgiving Day 9) Indian Day (day after Thanksgiving) 10) One-half day Good Friday 11) Code Talkers Day (National Oneida Day) (Friday prior to Memorial Day)	7-11. Paid Holidays. (a). The Nation observes the following paid holidays: (1) New Year's Day; (2) Good Friday (half day); (3) Oneida Code Talkers Day (observed the Friday prior to Memorial Day); (4) Memorial Day; (5) Independence Day; (6) Labor Day; (7) Veteran's Day; (8) Thanksgiving Day; (9) Indian Day (observed the day after Thanksgiving); (10) Christmas Eve (half day); (11) Christmas Day; and (12) Possibly a floater holiday. (A) Employees of an entity that does not operate under the Nation's standard business day may, if approved by his or her employee supervisor, substitute one (1) of the above holidays for a holiday not listed (i.e. Cinco de Mayo, Hanukah, etc.). (B) Prior to offering employees a floating holiday, the entity shall create a standard operating procedure to govern the approval process for such requests and the standard operating procedure must be submitted to and approved by HRD.	A 12 th floater holiday was added to the list of paid holidays.

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Current Policies and Procedures	Proposed Law	Analysis
5. Vacation/Personal Days c. Except as provided for in section g, the accrual of personal days shall be as follows: 1) 0-3 years service - 6 days per year; 2) 4-7 years service - 8 days per year; 3) 8-14 years service - 10 days per year; 4) 15 + years service - 12 days per year; d. Except as provided for in section g, the accrual of vacation days shall be as follows: 1) 0-3 years service - 12 days per year; 2) 4-7 years service - 15 days per year; 3) 8-14 years service - 20 days per year; 4) 15 + years service - 25 days per year.	Handbook 7-12. Paid Time Off (PTO). Employees accrue PTO based on years of continuous service, provided that temporary employees are not eligible to accrue PTO. (a) PTO accrual rates for full-time employees are as follows: (1) 0-3 years of service – 144 hours annually (2) 4-7 years of service – 184 hours annually (3) 8-15 years of service – 240 hours annually (4) 16 + years of service – 296 hours annually	Personal and vacation combined into paid time off. Accruals remain the same. Days have been calculated at 8 hours each.

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Current Policies and Procedures	Proposed Law	Analysis
1) Employees who have used the Tribally-sponsored loan program will	Removed	

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be required to honor the terms of the loan agreement.

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Current Policies and Procedures	Proposed Law	Analysis
D. Leaves 1. Meeting Attendance a) Approval for attending any meetings inside normal working hours must be approved in advance by the employee's immediate supervisor. <u>(BC Action, 5-16-89)</u> b) Employees who receive stipends or honoraria in excess of \$50.00 for attending meetings during working hours will forfeit the amount in excess of \$50.00 from their regular paycheck. Stipends for travel or per diem will not be deducted if accompanied by receipts for such expenses. c) Stipends or honoraria for intra-tribal meetings during normal working hours will result in the employee's paycheck being reduced by the full amount of the stipend.	Handbook 7-8. Speaker and/or Presenter Compensation. An employee whom is offered compensation by a third party for participating in an event as a speaker and/or presenter as related to his or her position's duties must either: (a) Request paid time off to attend the event for which the employee will speak and/or present and keep the compensation offered by the third party; or (b) Collect his or her normal compensation from the Nation for the time spent speaking and/or presenting as related to his or position's duties and forward the compensation provided by the third party to the Nation's Accounting Department to be added to the employee's entity's budget as income. (c) Employees receiving compensation, including gifts and gift cards, equal or less than fifty dollars (\$50.00) in value are exempt from this requirement.	Change from meeting attendance to speaker and/or presenter compensation. Compensation received in excess of \$50.00 will be forfeited if earned during working hours.

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Current Policies and Procedures	Proposed Law	Analysis
2. Funeral Leave a) All regular employees will be given a three (3) day leave without loss of pay for funeral services for immediate family. Immediate family includes: Husband, Mother, Brother, Wife, Father, Sister, Mother-in-law, Son, Grandparent, Father-in-law, Daughter, Grandchild, b) Three (3) day leave for other persons will be given only if the employee is responsible for making funeral arrangements, subject to prior approval of supervisor. c) All other funeral leave will be limited to no more than one (1) day with pay subject to the notification and approval of the immediate supervisor.	Handbook 9-5. Funeral/Bereavement Leave. (a) An employee may take up to five (5) days of paid funeral/bereavement leave for the death of an immediate family member, which the employee supervisor may not deny. An employee that is primarily responsible for making funeral arrangements for the death of someone outside of his or her immediate family may also take up to five (5) days of paid funeral/bereavement leave, provided that such leave is at the discretion of his or her employee supervisor. (1) Persons primarily responsible for making funeral arrangements are those responsible for making major decisions including, but not limited to, the place of the service, the date and time of the services, the type of service and/or burial. (2) The five (5) days of paid funeral/bereavement leave is not required to be taken consecutively and may be split into different work weeks to the extent that it is related to funeral services. (b) An employee, excluding at-will employees, may, at the employee supervisor's discretion, take up to three (3) additional days of unpaid funeral/bereavement leave if the employee is assisting with funeral arrangements, which may	Funeral leave has been increased from three (3) to five (5) days for the loss of an immediate family member and this leave is not discretionary. Five (5) days of discretionary leave is available for those who are responsible for funeral arrangements outside of the immediate family. Immediate family has been extended to include step-relationships. Three (3) days of funeral unpaid leave is extended to individuals assisting with funeral arrangements (being a fire-keeper, coordinating meals, or being a pall-bearer, speaker or singer). Three (3) hours are available for employees for the death of someone

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	include but are not limited to, being a fire-keeper, coordinating meals, or being a pall-bearer, speaker or singer. (c) An employee may take up to three (3) paid hours of funeral/bereavement leave for the death of someone outside of his or her immediate family, provided that his or her employee supervisor must approve such leave.	outside of the immediate family.
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Current Policies and Procedures	Proposed Law	Analysis
3. Leave of Absence 3) No later than fifteen (15) working days prior to the expiration of the leave period the employee must give notice in writing of his/her intent to return to the position. Notice must be presented to the supervisor. i. Failure to provide written notice will be interpreted to mean that the employee does not intend to return following the leave. The position will be posted and filled through the selection process.	Handbook 9-2. Personal Leaves. (a) So long as an employee is able to return to work following a personal leave, his or her job must be made available upon return, unless a business need of the Nation has eliminated the position, in which case the employee must be placed within the closest comparable and available position for which the employee is eligible. (b) If an employee is not able to return to work following a personal leave, he or she must be separated.	Leaves of absence have been changed to personal leaves. The 15 day notice to return from a leave does not appear in the Handbook.

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Current Policies and Procedures	Proposed Law	Analysis
4. Maternity Leave a. Maternity leave will be granted for a period of six (6) weeks without pay. 1) An employee may elect to cover any portion of this time by using accumulated sick days. 2) Any maternity-related absences for longer than six (6) weeks must be taken as a medical leave of absence.	9-3. Maternity and Paternity Leave. Employees, both male and female, are eligible for six (6) weeks of unpaid maternity/paternity leave for the birth and/or adoption of the employee's child. (a) An employee may elect to use accrued PTO to cover any portion of this six (6) week period. (b) Any maternity/paternity related absence for a period of longer than six (6) weeks must be taken as either FML or personal leave, with guidance provided by HRD.	Paternity leave was added making the leave applicable to women and men. Adoption was added to this leave.

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Current Policies and Procedures	Proposed Law	Analysis
5. Military Leave Time off for inactive duty training, examinations to determine fitness for duty and funeral honors duty shall be afforded to	9-4. Military Leave. (b) Leave for inactive duty training, examinations to determine fitness for duty and funeral honors duty is afforded to employees and during such leave employees will continue to accrue PTO and to be eligible for holiday pay. Further, the Nation shall pay employees for any absences attributed to required reservist training, provided that; the employee shall	Personal time off has changed for military leave. Employees on leave for inactive duty will accumulate personal time off and holiday pay.

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employees without the accumulation or loss of holiday, vacation or personal time. An employee will receive pay from the Tribe for any hours work that the employee was required to miss due to reservist training.	provide documentation from the military of such training dates.	
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Current Policies and Procedures Section V Employee Relations

- Employees will no longer be placed on probation for unsatisfactory evaluations.
- Career development has been eliminated.
- The formal complaint process has been eliminated.

Current Policies and Procedures	Proposed Law	Analysis
Evaluations 4. Satisfactory evaluations may result in the employee receiving an increase in pay within their grade level provided that the employee has not attained the highest step within the grade. a. Unsatisfactory evaluations will result in probation status for the employee. The supervisor shall provide documentation to the Area Manager and to the employee detailing the deficiency(s). A repeat evaluation will be conducted three (3) months after the unsatisfactory evaluation. This second evaluation will result in the employee: 1) Being removed from probation and receiving a salary increase if the second evaluation results in an overall satisfactory rating; or 2) Receiving appropriate disciplinary actions if the second evaluation also results in an unsatisfactory rating.	Handbook 6-1. Annual Performance Evaluations. (a) Employees who disagree with their annual performance evaluation may seek mediation with their employee supervisor at HRD. (b) All employees receiving an overall unsatisfactory score on their annual performance evaluation must be re-evaluated by their employee supervisor within ninety (90) days of their signed annual performance evaluation. (1) During the re-evaluation, the employee supervisor shall follow up on and reassess the employee development plan with the employee. (2) Employee's receiving a re-evaluation based on an initial unsatisfactory evaluation, must receive an annual evaluation score that is an average of the initial evaluation score and the re-evaluation score. 7-1. Tribal Compensation Plan. (1) Merit based increases where a merit based increase is an increase in an employee's compensation based on performance as reflected in the employee's annual performance evaluation; (2) Entities may also independently initiate merit based increases through their annual budgets. Entities must develop and submit to HRD a standard operation procedure for awarding merit based increases. Prior to implementation, merit based increases must be approved by HRD for procedural compliance with the standard operating procedure.	Employees will now be evaluated on the annual date of hire. Supervisors will receive an email near the time when the employee evaluation is due. The supervisor's supervisor will be emailed if evaluations are not timely received. Employee evaluations will be implemented for employees to evaluate supervisors. Regular status employees will no longer be placed on probation for unsatisfactory evaluations. Merit based increases are included in the Tribal Compensation Plan which must be adopted by the Business Committee annually. Merit based increases may also be initiated by the department in the budget with approval of a standardized SOP.

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<p>C. CAREER DEVELOPMENT</p> <p>1. Tribal employees are encouraged to develop their skills and abilities by pursuing education at a local educational institution.</p> <p>a. Tribal employees must provide a general Career Development Plan to the supervisor listing the goals and objectives of the training and education to be undertaken.</p> <p>2. Tribal employees may be eligible for assistance for one (1) course per semester. The employee must attempt to arrange to take the class outside his/her normal working hours.</p> <p>a. Where a class conflicts with the employee's work schedule, the needs of the Tribal unit take precedence; however, the supervisor shall attempt to accommodate the employee's request.</p> <p>b. In no case shall the accommodation exceed actual class hours plus reasonable travel time.</p> <p>c. Employees must obtain the approval of their immediate supervisor to take a course on Tribal time.</p> <p>3. The supervisor's approval and estimated cost must be submitted to the HRD Office, the Area Manager and the General Manager.</p> <p>4. The cost of the books, tuition and fees for the course shall be paid by the Tribe through funds budgeted in programs or through the Higher Education program.</p> <p>a. Reimbursement for books, tuition and fees is contingent upon the employee receiving at least a C (2.0 on a 4.0 point scale).</p> <p>b. Employees who receive less than the required grade point will be required to reimburse the program for whatever costs were incurred.</p>	<p>Removed</p>	<p>Employees can no longer take classes during work time and the Nation will no longer fund employee education.</p>
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Current Policies and Procedures	Proposed Law	Analysis
<p>D. COMPLAINTS, DISCIPLINARY ACTIONS, AND GRIEVANCES</p> <p>1.COMPLAINTS</p> <p>a. Should an employee have a disagreement with another employee, he/she may lodge an informal (verbal) or formal (written) complaint with the employee's supervisor.</p>	<p>Complaint process removed</p>	<p>The formal complaint process has been removed. Employees can still submit written complaints but there is no process or timelines attached.</p>

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<p>b. The supervisor will investigate the complaint and attempt to resolve the disagreement.</p> <p>c. If the employee lodging the complaint is dissatisfied with the attempted resolution, he/she may ask the Area Manager to attempt a resolution.</p> <p>d. There is no further appeal of this process.</p> <p>5. Disciplinary Procedure</p> <p>The following procedure shall be adhered to whenever disciplinary action is taken:</p> <p>a. Supervisor becomes aware of unsatisfactory work performance or violation.</p> <p>1) Supervisor investigates through a meeting with the employees and determines whether disciplinary action is warranted.</p> <p>b. If disciplinary action is warranted, within five (5) working days the supervisor will fill out the five (5) part disciplinary action form stating the behavior for which the action is being taken, the time and date of its occurrence, and the specific policy section under which action is being taken.</p> <p>3. Accumulated Disciplinary Actions Warranting Termination</p> <p>a. The accumulation of three (3) upheld warning notices within any twelve (12) month period. (T)</p> <p>b. The accumulation of two (2) upheld suspensions within any twelve (12) month period.(T)</p> <p>c. The accumulation of three (3) of any combination of upheld warning , notices and/or upheld suspensions within any twelve (12) month period. (T)</p>	<p>Handbook</p> <p>VII. Corrective Actions</p> <p>(a) Within ten (10) business days of the date the employee supervisor learns of prohibited behavior meriting corrective action, the employee supervisor shall:</p> <p>(1) Investigate the alleged prohibited behavior meriting corrective action through a meeting with the employee and, if applicable, witnesses to determine if corrective action is appropriate, provided that, an investigation is not required if the supervisor personally witnessed the prohibited behavior meriting corrective action.</p> <p>Handbook</p> <p>12-5. Progressive Corrective Actions.</p> <p>(c) Termination. A termination is the release of an employee from employment against the employee's will.</p> <p>(1) Termination must be used as the corrective action under the following circumstances:</p> <p>(A) The employee accumulates any three (3) corrective actions provided under Article 12-5 within any twelve (12) month period where the termination itself constitutes the third corrective action; or</p> <p>(B) The employee has engaged in a prohibited action that rises to the level of a criminal or otherwise illegal act.</p> <p>(2) At-will employees may be terminated at any time, for any reason.</p> <p>(3) If the employee supervisors determines that the terminated employee</p>	<p>The timeframe for a supervisor to correct behavior warranting a corrective action has changed from five (5) working days to ten (10).</p> <p>The EEO officer through HRD will guide supervisors through the corrective action process to ensure all corrective actions are handled correctly.</p> <p>The third accumulated corrective action in a twelve (12) month period is now grounds for termination. The current policy is unclear and the practice has been that the fourth written warning is termination. The Handbook clarifies that the accumulation of any three corrective actions requires termination.</p>
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<p>6. Grievance</p> <p>a.2. The Area Manager, for all disciplinary action investigations, will have ten (10) working days from the receipt of the employee's appeal to complete the investigation. One extension of no more than five (5) working days may be requested of and granted by the Oneida Human Resources Manager (or designee) at his or her discretion.</p> <p>b. The employee may appeal the Area Manager's decision to the Oneida Personnel Commission. The appeal must be filed with the Oneida Personnel Commission within ten (10) working days from employee's receipt of the Area Manager's decision. Upon receipt of the appeal the Commission shall, within ten business day, notify the Oneida Human Resources Manager (or designee) that an appeal has been filed by the employee.</p>	<p>is likely to create a potentially hostile and/or dangerous situation, he or she shall contact the Internal Security Director or the Oneida Police Department for assistance.</p> <p>Handbook</p> <p>13-1. Requesting Reconsideration of a Corrective Action and/or Adverse Employment Action. Prior to initiating a formal appeal of a corrective action and/or adverse employment action, an employee shall request reconsideration of the said action with his or her reviewing supervisor, provided that such requests must be made within ten (10) business days from the date of the employee supervisor's action.</p> <p>300.10. Employee Discipline and Grievances</p> <p>300.10-2(a) <i>First Level of Review.</i> Any employee, excluding at-will employees, contesting the validity of a suspension or termination or allege that a supervisor's actions amount to an adverse employment action may contest the action to the Administrative Hearing Court.</p>	<p>The first level of review for grievances has moved from the Area Manager to the Reviewing Supervisor and extensions are no longer available. This level is now called a request for reconsideration rather than a formal appeal. The Personnel Commission has been removed and formal appeals moved to the Oneida Judiciary. Appeals of Personnel Commission decisions are now heard by the Judiciary.</p>
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New to This Law

- Applicability to Elected Officials [see 300.11]. The Law codifies the current practice of including Elected Officials in compensation and benefits, general and employee responsibilities.
- Suspension and terminations are now appealable to the Judiciary [see 300.6-8].

Considerations

- The LOC may reconsider the hiring philosophy [see 300.1-2] to expressly state the original intent of identifying Oneida tribal members as ideal candidates for employment with the Nation.
- The LOC may consider increasing the length of time for interim transfers which are capped at one year under the current Handbook considering the fact that the appeal process may take longer than one year. The current maximum length for interim transfers is two years.
- The LOC may consider informal public comment for GTC for the Handbook prior to presenting the Law to GTC for adoption. The Personnel Policies and Procedures are

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currently considered law that can only be permanently amended by the GTC. The proposed Employment Law contains the framework and most of the content of the current Personnel Policies and Procedures has moved to the Handbook. Once the Law is adopted and with GTC approval, the Handbook will move under HRD under the Administrative Rulemaking law. Although HRD is currently responsible for developing amendments to the Personnel Policies and Procedures, the GTC retains all authority to adopt or deny all proposed amendments. As a result, the Handbook is not currently delegated to the authority of HRD and the proposed changes in the Handbook will not undergo a formal public comment period until the law is passed which delegates the authority to HRD to take the Handbook through the process required by the Administrative Rulemaking law. The Handbook is currently going through informal public comment through informational employee meetings. The LOC may consider informal public comment for GTC for the Handbook prior to presenting the Law to GTC for adoption.

- LOC may consider moving repealed laws that appear in the Handbook to the Law. Under Administrative Rulemaking, HRD can revise or change content in the Handbook and changes become effective upon adoption by HRD unless challenged by the BC. Current laws can only be amended or repealed by the BC or GTC.

Miscellaneous

A public meeting is scheduled for March 31, 2016. Please refer to the fiscal impact statement for any financial impacts. Public comment regarding the Handbook can be directed to bstevens@oneidanation.org or kjohn4@oneidanation.org.

CHAPTER 300 EMPLOYMENT LAW

300.1. Purpose and Policy	300.7. General
300.2. Adoption, Amendment, Repeal	300.8. Employee Responsibilities
300.3. Definitions	300.9. Layoffs and Furloughs
300.4. Human Resources Department	300.10. Employee Discipline and Grievances
300.5. Hiring	300.11. Applicability to Elected Officials
300.6. Compensation and Benefits	300.12. Violations

300.1. Purpose and Policy

300.1-1. It is the purpose of this Law to provide a fair, consistent and efficient structure to govern all employment matters.

300.1-2. It is the Nation's policy to provide entities latitude to create human resource practices to fit their individual industry standards, while creating a strong and healthy work environment. In addition, although certain federal and state laws, specifically Title VII, do not apply to the Nation, the Nation's employment policy is to afford applicants and employees equal employment opportunities while recognizing the Nation's Oneida and Indian employment preference. The Nation's hiring philosophy is to recruit, hire, retain and develop individuals who are culturally respectful, professionally competent and familiar with the Oneida community.

300.2. Adoption, Amendment, Repeal

300.2-1. This Law was adopted by the Oneida General Tribal Council by resolution _____ and is effective six (6) months from the date of adoption.

300.2-2. This Law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

300.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

300.2-4. In the event of a conflict between a provision of this Law and a provision of another Law, the provisions of this Law control, provided that this Law repeals the following:

- (a) The Oneida Tribal Management System and amendments to the Tribal Management System, including the Personnel Policies and Procedures adopted by the Oneida Business Committee on May 7, 1985;
- (b) BC Resolution BC-05-11-11-A entitled Establish Tuberculosis Control Program;
- (c) The Employee Protection Policy adopted by emergency pursuant to BC-4-20-95-B, permanently adopted pursuant to BC-12-6-95-B and subsequently amended pursuant to BC-1-20-99-B and BC-6-30-04-J;
- (d) The GED Policy approved by the Oneida Business Committee on October 21, 1992;
- (e) BC Resolution BC-07-22-09-B entitled Oneida Nation Veterans Affairs Committee, Paid Time Off for Selected Color Guard Members Who Are Employees;
- (f) The Parent Leave Policy adopted pursuant to BC-03-02-94-A;
- (g) BC Resolution 04-05-95-A regarding a paid break for donating blood at a blood drive coordinated by the Nation;
- (h) BC Resolution 05-12-93-J regarding HRD's role in the interpretation, implementation and enforcement of the Personnel, Policies and Procedures; and
- (i) GTC Resolution 05-23-11-A entitled Personnel Policies and Procedures Amendments to Strengthen Indian Preference in Hiring.

300.2-6. This Law is adopted under authority of the Constitution of the Oneida Nation.

300.3. Definitions

300.3-1. This section governs the definitions of words and phrases used within this Law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Adverse Employment Action” means a supervisor’s failure to comply with the employment rules that results in a significant change in an employee’s employment status that is more disruptive than a mere inconvenience or an alteration of job responsibilities and may include a deprivation of an equal employment opportunity.

(b) “At-Will Employee” means an employee working for the Nation on a short term basis that is not hired through the standard hiring procedures, including, but not limited to, political appointees, part-time, seasonal, and volunteer workers, and new Employees that have not yet completed their probationary period pursuant to the Rules developed by HRD.

(c) “Corrective Action” means any initiative taken by an employee supervisor with the goal of correcting an employee’s prohibited behavior as identified in the rules created by HRD.

(d) “Cost of Living Adjustments” means wage or salary modifications which allow employees to sustain a certain level of living, including basic expenses such as housing, food, taxes and healthcare.

(e) “Employee” means any individual who is hired by the Nation through the normal hiring process, works full-time (30 or more hours per week) or part-time (less than 30 hours per week) and is subject to the Nation’s direction and control with respect to the material details of the work performed. “Employee” includes, but is not limited to, individuals employed by any entity and individuals employed through an employment contract as a limited term employee, but does not include elected or appointed officials, at-will employees or individuals employed by a tribally chartered corporation. Throughout this Law all references to employee include both employees and at-will employees, unless the term at-will employee is used, in which case only at-will employees are intended.

(f) “Employee Supervisor” means the party responsible for directly overseeing the employee and who is responsible for taking corrective actions when employees fail to meet their responsibilities.

(g) “Entity” means any of the Nation’s divisions having employees and may include, but is not limited to, divisions, departments, areas, programs, enterprises, board, committees, commissions and the like.

(h) “Equal Employment Opportunity” or “EEO” means the Nation’s consideration for hiring selection and position retention and compensation and benefit distribution that is free from discrimination against any person on the basis of race color, religion, sex (including pregnancy), national origin, age, disability, economic status or genetic information. Oneida and Indian Preference are allowable and are not considered a deprivation of an EEO,

(i) “HRD” means the Oneida Human Resources Department.

(j) “Immediate Family Member” means an individual’s husband, wife, mother, father, step mother, step father, son, daughter, step son, step daughter, brother, sister, step brother, step sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law and any of the these relations attained through legal adoption.

(k) “Involuntarily Separated” means an employee is removed from employment.

(l) “Nation” means the Oneida Nation.

(m) “Political Appointee” means an individual appointed as an executive assistant by an individual Oneida Business Committee member or as an assistant by a board, committee or commission.

(n) “Reviewing Supervisor” means the party responsible for overseeing the employee supervisor and who may hear an appeal of a corrective action taken by an employee supervisor.

(o) “Rule” means any exercise of authority delegated to HRD in order to implement, interpret and/or enforce this Law. A “rule” does not include any statements, interpretations, decisions, rules, regulations, policies, standard operating procedures or other matters concerning internal management of an entity, or, which do not affect the private rights or interests of individuals outside of the said entity.

(p) “Sexual Harassment” means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or

(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

(q) “Standard Operating Procedure” means an internal procedure that is created to govern how an Entity operates and performs its designated functions; a standard operating procedure does not affect parties outside of the entity to which the procedure belongs.

(r) “Tribal Member” means an individual who is an enrolled member of the Oneida Nation.

300.4. Human Resources Department

300.4-1. *General Responsibilities.* The HRD shall:

(a) Develop and amend the rules necessary to carry out the intent of this Law pursuant to the Administrative Rulemaking Law.

(b) Implement, interpret and enforce this Law and the associated rules.

(c) Provide all employees a copy of all employment rules and all of the Nation’s laws and policies specifically pertaining to employment matters, and shall further notify employees of how such rules, laws and policies may be electronically accessed.

(d) Review and approve all entities’ employment related standard operating procedures to ensure compliance with this Law and the rules developed pursuant to this Law.

(e) Keep a record of all employment related decisions made by the employee supervisors, reviewing supervisors and the Oneida Judiciary.

(f) Collect and maintain data on human resource related information including, but not limited to, information on hiring, appointments, terminations, separations, transfers, employee development, grievances, policy issues and insurances.

(1) HRD shall provide quarterly reports to the Oneida Business Committee, or its designee, in accordance with the schedule provided by the Nation’s Secretary’s office.

(2) The Oneida Business Committee may not have direct access to employee information and/or personnel files, especially information relating to individual

136 compensation or corrective actions; provided that, Oneida Business Committee
137 members that are also employee supervisors may access the employee records of
138 any of his or her direct employees pursuant to Section 300.4-1(f)(3)(B).

139 (3) HRD shall store these employee records in a manner that maintains the
140 records' private and confidential nature. Information contained in employee
141 records may only be released in the following situations:

142 (A) A current or past employee may have access to his or her own
143 employment record; an employee supervisor may have access to his or her
144 current employees' records; a hiring supervisor may have access to the last
145 twelve months of a current or former employee's work history; and HRD
146 managers may have access to any employee's employment record.

147 (B) If required by law, the Nation shall release the information required to
148 be released to the party the law designates as entitled to receive said
149 information.

150 (C) Should an Employee be alleged to have committed an illegal act in the
151 course of his or her employment with the Nation against the Nation, its
152 customers or its employees, the said employee's record may be released to
153 law enforcement agencies.

154 (D) A third party may access an employee's record if the employee
155 provides written consent to release his or her record to a designated third
156 party.

157 300.4-2. HRD shall uphold the Nation's sovereignty, laws and policies in its hiring and
158 employment practices.

159 300.4-3. *Memorandum of Understanding.* The Oneida Business Committee and HRD shall
160 negotiate and enter into a memorandum of understanding which governs the relationship
161 between the two parties by establishing the responsibilities and expectations of each party with
162 regard to the management of HRD.

163 164 **300.5. Hiring**

165 300.5-1. *Equal Employment Opportunities.* The Nation and HRD shall afford all applicants and
166 employees equal employment opportunities; however, the Nation shall follow the preferences
167 outlined in Section 300.5-3 and such preferences may not be considered a violation of this Law.

168 300.5-2. *Oneida and Indian Preference.* The Nation shall apply Oneida and Indian Preference
169 to all hiring practices.

170 (a) Unless otherwise prohibited by law or grant funding requirements, the Nation shall
171 apply the following order of Oneida and Indian Preference in staffing decisions:

172 (1) Persons who are tribal members.

173 (2) Persons who meet the blood quantum requirements contained in the
174 Membership Ordinance, but are not currently tribal members, and/or persons who
175 are documented first generation descendants of a tribal member.

176 (3) Persons enrolled in any federally recognized tribe other than this Nation.

177 (4) All other non-Indian persons.

178 (b) If a law or grant funding requirement prohibits the application of Oneida and Indian
179 Preference in accordance with Section 300.5-3(a), the Nation shall make staffing
180 decisions in accordance with the Indian Preference requirements of the said law or grant.

181 (c) Oneida and Indian Preference applies only when an applicant meets all the minimum
182 requirements of the position applied for.

183 (d) Oneida-Only Positions. To the extent possible, all top administrative and political

184 appointee positions must be held by tribal members.¹ If a position requires specific skills
185 and/or licensing by the state or federal government and there are no available tribal
186 members who possess the necessary skills or licensing to assume the vacancy, only then
187 may a non-tribal member be selected to fill the vacancy.

188 300.5-3. *Education.* Employees shall have or obtain a high school diploma, a high school
189 equivalency diploma or a general equivalency diploma within one (1) year of being hired.
190 Exceptions and/or extensions to this requirement may be included in the rules developed by
191 HRD pursuant to Section 300.4-1(a).

192 300.5-4. *Workplace Safety.* The Nation shall develop rules and procedures as necessary to
193 protect the safety, health and well-being of all employees and other individuals in the workplace.

194 (a) The Employee Health Nursing Department shall establish, maintain, implement,
195 evaluate and periodically update a Tuberculosis Control Program, which applies to all
196 employees as well as the Nation's elected and appointed officials. The Employee Health
197 Nursing Department shall make the approved program available to all persons to which it
198 applies.

199 300.5-5. *Conflicts.* An applicant is ineligible for positions for which he or she has a conflict of
200 interest, as defined by the Conflict of Interest Policy, and/or if he or she would be directly
201 supervised by an immediate family member.

202 300.5-6. *Right to Work.* No person may be required to do any of the following in order to
203 become or remain an employee of the Nation:

- 204 (a) resign or refrain from being a member of a labor organization;
- 205 (b) become or remain a member of a labor organization; or
- 206 (c) pay dues or other charges to a labor organization.

207 **300.6. Compensation and Benefits**

209 300.6-1. *Compensation Plan.* HRD shall develop and institute an Employee Compensation
210 Plan to assure equitable salary and wage levels and shall consider data from the Bureau of Labor
211 Statistics for average earnings in the Green Bay area; the said plan must be approved by the
212 Oneida Business Committee prior to becoming effective.

213 (a) Wage and salary adjustments and benefits available to employees are dependent upon
214 available funding allocations, provided that, the compensation plan must require HRD to
215 make reasonable efforts to regularly implement cost of living adjustments based on the
216 United States Department of Labor – Bureau of Labor Statistics' Consumer Price Index
217 for the Midwest Region.

218 300.6-2. *Designation of Employees.* The Nation shall use the standards created under the Fair
219 Labor Standards Act to designate its employees as either nonexempt or exempt and to set
220 minimum wage and maximum hour restrictions for employees receiving an hourly wage.

221 300.6-3. *Insurance and Retirement.* The Nation may provide insurances and/or a retirement
222 plan as a benefit to full-time employees. Emergency and temporary Employees are not eligible
223 for these benefits.

224 300.6-4. *Time Off.* The Nation shall afford employees accumulated paid time off based on
225 continuous service to the Nation. HRD shall establish rates of accrual and the process for
226 requesting paid time off in the Rules created pursuant to Section 300.4-1(a).

¹ January 8, 1990 GTC: Debbie Powless moved that the General Manager's and all top administrative positions be held by enrolled tribal members, motion seconded. ... Main motion carried.

300.6-5. *Leaves.* Employees of the Nation may be allowed leave as provided in the Rules created pursuant to Section 300.4-1(a) and any other applicable laws and policies of the Nation.

300.7. General

300.7-1. *Employee Development.* The Nation encourages the advancement and transfer of Employees in order to make the best possible use of human resources. Employees who wish to advance in the organization may work with the HRD to develop a career ladders plan.

300.7-2. *Entities.* Individual entities shall comply with this Law and the rules promulgated under Section 300.4-1(a) and, if necessary, shall develop internal rules and standard operating procedures for the implementation of this Law and its associated rules.

300.7-3. *Safety and Fitness-for-Duty.* In order to create a safe and healthy work environment for employees and to keep the number of job-related illnesses and/or injuries to a minimum, the Nation shall maintain safety standards in accordance with the Nation's applicable laws and policies. The Nation shall also maintain standards requiring employees to perform their job duties in a safe, secure, productive and effective manner.

300.7-4. *Unemployment Insurance.* The Nation shall comply with the State of Wisconsin's unemployment insurance program; the Nation's employees may be eligible for unemployment benefits in accordance with the provisions of the laws of the State of Wisconsin.

300.8. Employee Responsibilities

300.8-1. *Harassment and Ensuring Equal Employment Opportunities.* All employees are expressly prohibited from committing sexual harassment of another individual or engaging in any conduct that deprives another of an equal employment opportunity.

300.8-2. *Anonymous Information.* Employees who receive anonymous information of any type shall maintain the confidentiality of the said information and forward a summary of the information to the Chief of the Oneida Police Department expressly noting that the information was provided anonymously.

300.8-3. *Employee Protection.* The Nation may not retaliate against any employee who reports an employee's, political appointee's and/or any official of the Nation's violation(s) of laws, policies or rules of the Nation and shall protect any employees who report such violations from retaliatory actions.

(a) HRD shall develop rules designed to protect employees reporting others' violations of the Nation's laws, policies or rules from any and all forms of retaliation.

300.9. Layoffs and Furloughs

300.9-1. Employees may be laid off and/or furloughed to the extent necessary for the Nation to operate effectively and efficiently in varying economic conditions pursuant to the Nation's laws, policies and rules.

300.9-2. Layoffs and furloughs may not be used for disciplinary reasons and may not under any circumstances be considered adverse employment actions.

300.9-3. The Nation's decision to layoff and/or furlough an employee is not subject to appeal.

300.10. Employee Discipline and Grievances

300.10-1. Corrective action rules may be used by employee supervisors to correct employees' unacceptable work performance and/or behavior.

300.10-2. Employees, excluding at-will employees, who disagree with a corrective action or allege that a supervisor's actions amount to an adverse employment action may contest the action using the rules developed by HRD, and based on the following available levels of review:

(a) *First Level of Review.* Any employee, excluding at-will employees, contesting the validity of a suspension or termination or allege that a supervisor's actions amount to an adverse employment action may contest the action to the Administrative Hearing Court.

(b) *Second Level of Review.* Any party, excluding at-will employees, that is dissatisfied with the Administrative Hearing Court's decision, may appeal the Administrative Hearing Court's decision to the Oneida Judiciary's Appellate Court.

(c) *Compensatory Damages.* Should the Oneida Judiciary determine that there was an intentional deprivation of an equal employment opportunity, the Oneida Judiciary may award compensatory damages, including, but not limited to, attorney's or advocate's fees and court costs, as against the individual(s) found to have engaged in the intentional deprivation of an equal employment opportunity. Said compensatory damages may not be awarded against the Nation.

300.10-3. The Administrative Hearing Court and the Oneida Judiciary may waive any and all court fees on behalf of employees seeking to appeal a corrective action or an action alleged to be an adverse employment action.

300.11. Applicability to Elected Officials

300.11-1. The provisions of Sections 300.6 - 300.8 apply to the Nation's elected officials that work full-time (30 hours or more per week) and receive salaries for their service.

300.12. Violations

300.12-1. Unless expressly stated otherwise in this Law, claims of alleged violations of this Law may be filed with the Oneida Judiciary.

End.

March 2016

March 2016							April 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	15	16
20	21	15	16	17	18	19	17	18	19	20	21	22	23
27	28	22	23	24	25	26	24	25	26	27	28	29	30

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb 28 - Mar 5	Feb 28	29	Mar 1	2	3	4	5
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Mar 6 - 12	6	7	8	9	10	11	12
				BC Meeting (BCCR)			
Mar 13 - 19	13	14	15	16	17	18	19
Mar 20 - 26	20	21	22	23	24	25	26
			10:00am 3:00pm FW: LOC Meeting (BC_Conf_Room) - Douglass A. McIntyre			12:00pm 4:30pm Good Friday Holiday	
Mar 27 - Apr 2	27	28	29	30	31	Apr 1	2
		11:00am 12:00pm Vendor Licensing Law - Work Meeting (BC_Exec_Conf_Room) - Douglass A. McIntyre		BC Meeting (BCCR)	12:15pm 3:15pm FW: Employment Law Public Meeting (BCCR) - Krystal John		

April 2016

April 2016							May 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	1	2	1	2	3	4	5	6	7
10	11	12	13	14	8	9	8	9	10	11	12	13	14
17	18	19	20	21	15	16	15	16	17	18	19	20	21
24	25	26	27	28	22	23	22	23	24	25	26	27	28
					29	30	29	30	31				

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mar 27 - Apr 2	Mar 27	28	29	30	31	Apr 1	2
						2:00pm 3:30pm GTC Meetings Law (BC_Exec_Conf_Room) - Douglass A. McIntyre	
Apr 3 - 9	3	4	5	6	7	8	9
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Apr 10 - 16	10	11	12	13	14	15	16
				BC Meeting (BCCR)			
Apr 17 - 23	17	18	19	20	21	22	23
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Apr 24 - 30	24	25	26	27	28	29	30
				BC Meeting (BCCR)			