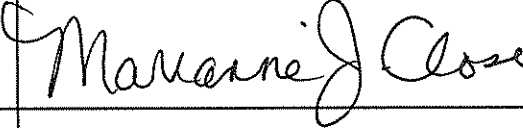
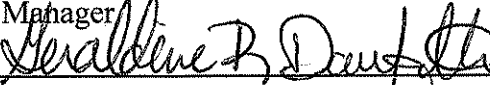



<b>Oneida Tribe of Indians of Wisconsin Office of TRIBAL WORK STANDARDS</b>	<b>ONEIDA ENROLLED TRIBAL MEMBER REQUIREMENTS ON JOB DESCRIPTIONS</b> <i>Working Draft</i>	<b>DATE: 06/13/11</b> <b>Effective Date:</b> <b>(After Last Signature)</b>
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**1.0 PURPOSE**

1.1 To define the criteria used to determine positions within the Oneida Tribal structure which shall be held by an enrolled member of the Oneida Tribe of Indians of Wisconsin in compliance with Tribal Policies, General Tribal Council Directives, Federal/State laws, Tribal Ordinances, etc.

**2.0 DEFINITIONS**

- 2.1 Confidential Information: Privileged communication shared with only a few people for furthering certain purposes; whereas, the receiver of confidential information is generally prohibited from using it to take advantage of the giver. It is that information pertaining to and includes but is not limited to:
- (a) Proposals and bids for any contract or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the Tribe, until an award or final selection is made and after deletion of the portions which are exempt from disclosure under this law. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.
  - (b) Contracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties.
  - (c) Information that, if disclosed, would constitute an unreasonable invasion of personal privacy, unless the disclosure is consented to in writing by the subject of the information.
  - (d) Records of law enforcement agencies that deal with detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement.
  - (e) Trade secrets and commercial or financial information obtained from a person or business, or such information belonging to the Tribe where the trade secrets or information are proprietary, privileged, or confidential, or where disclosure of the trade secrets or information may cause competitive harm. Nothing contained in this paragraph shall be construed to prevent a person or business from consenting to disclosure.

- (f) Drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated. However, once these records are discussed in open session by the governmental body, they become available for inspection and copying. Furthermore, draft laws, rules, regulations, policies, and memorandums may be shared at the discretion of the drafter or author.
- (g) Inter-office communications relating to proposals or matters which have not been introduced for consideration in an open meeting. This includes:
  - (1) Inter-office memorandums, personal notes, drafts, communications with staff and other records which relate to ongoing matters or works in progress currently being performed.
  - (2) Records relating to the subject of an ongoing investigation.
  - (3) Records relating to proposals which did not result in legislation.
- (h) Medical information which contains personally identifiable information. Nothing in this paragraph shall be construed to prevent a person from inspecting or copying his or her own medical file or consenting to disclosure.
- (i) Privileged attorney-client information or attorney work product.
- (j) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding, or court proceeding.
- (k) Any record containing personally identifiable information that, if disclosed, would endanger an individual's life or safety or identify an informant.
- (l) Any records of the Oneida Child Protective Board to the extent the records are related to the official duties of the Board.
- (m) Other records protected from disclosure by law.

- 2.2 Financial Management Responsibility: Having direct control of and/or influence in the planning, directing and controlling of the monetary resources of the Oneida Tribe and desired outcomes to be achieved with the monetary resources.
- 2.3 Grant Funded Positions: Those positions within the Oneida Tribal structure which are funded with Federal, State or private grants.
- 2.4 Indian Preference: To give priority to or preference to 1) Enrolled Oneida Tribal member; 2) Oneida Indians eligible for enrollment in the Oneida Tribe; 3) Documented first generation Oneida descendant in the hiring process.
- 2.5 Positions with Key Decision Making Responsibilities are those which have the authority to make decisions on the following:
  - 2.5.1 policies and procedures development or interpretation or
  - 2.5.2 staffing levels
  - 2.5.3 financially bind the organization with a verbal or written agreement.
- 2.6 Positions Crucial to Governmental Functions: Those positions pertaining to and include but are not limited to: health, safety, regulatory, compliance, and/or revenue generation.
- 2.7 Proprietary Information: Sensitive information that is owned by a company and which gives the company certain competitive advantages. (See Confidential Information.)

- 2.8 Sensitive Information: Privileged or proprietary information which, if compromised through alteration, corruption, loss, misuse, or unauthorized disclosure, could cause serious harm to the organization owning it. (See Confidential Information.)
- 2.9 Supervisor: An employee who has direct responsibility over the duties of one or more employees.

### **3.0 WORK STANDARDS**

- 3.1 The following criteria shall be utilized to identify those positions which must be filled by an enrolled member of the Oneida Tribe of Indians of Wisconsin:
  - 3.1.1 Any position that supervises at least one (1) other person, and/or
  - 3.1.2 Any position that has the authority to hire, fire or discipline personnel, and/or
  - 3.1.3 Any position that works with and has access to confidential, proprietary or sensitive information, and/or
  - 3.1.4 Any position that possesses key decision making responsibilities, and/or
  - 3.1.5 Any position that has the authority to approve procedures binding upon personnel, and/or
  - 3.1.6 Any position that has financial management responsibility over a Tribal business unit and/or,
  - 3.1.7 Any positions designated as “filled by Tribal member only” according to Tribal laws (i.e. ONGO, Tobacco Ordinance, Trust Department, Enrollments Department, etc.)
- 3.2 Exceptions to “Oneida Only” Requirement
  - 3.2.1 If the position requires specific technical skills or license by the State or Federal Government to perform specific duties of that position and there are not any Oneida enrolled Tribal members who possess the education, experience, knowledge, skills, certifications and/or licensing to perform the position. These positions may include but are not limited to:
    - 3.2.1.1. Medical Position
    - 3.2.1.2. Positions Crucial to Governmental Functions, i.e, attorneys, teachers, etc.
    - 3.2.1.3. Funding Requirements
- 3.3 Indian Preference
  - 3.3.1 The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and follows non-discriminatory policies and procedures in personnel decisions: however, the Tribe applies the following priorities of Indian Preference in staffing decisions:
    - 3.3.1.1. Enrolled Oneida Tribal member;
    - 3.3.1.2 Oneida Indians eligible for enrollment in the Oneida Tribe;
    - 3.3.1.3 Documented first generation Oneida ;
    - 3.3.1.4 Other native American Indian;
    - 3.3.1.5 Other (non-Indian).
  - 3.3.2 This will apply in hiring decisions where the basic requirements for employment are met.
- 3.4 A “grandfather” provision shall allow for actions taken or required prior to the formal implementation date of this work standard.

- 3.4.1 Employees in positions designated as Oneida only who are not enrolled Oneida members will maintain those positions. When employee vacates position, said position will be posted with Oneida Tribal requirement listed as a qualification.

#### **4.0 PROCEDURES**

##### **Human Resources Department**

- 4.1 Will designate and approve Tribal positions as open only to enrolled Oneida members using the criteria listed in this work standard.
- 4.2 Will record the "Oneida only" designation in the Human Resources Department data base and add same designation to the job description if needed.
- 4.3. Will provide the Human Resources Area Manager or designee with a copy of each job description for newly developed positions to allow for review of accuracy of designation prior to posting.
- 4.4 Approve or deny proposed designation based upon feedback from supervisor.

#### **5.0 RECORDS/REFERENCES**

- 5.1 GTC Resolution #09-04-79-C: All Retail employees who work in the Retail Departments must be enrolled Oneida Tribal members in compliance with the Oneida Tobacco Ordinance, Section 17 and the definition of operator in Section 2. (i) and (j).
- 5.2 GTC directive of January 8, 1990 – motion passed from Debbie Powless to have the General Managers and all top administrative positions be held by enrolled Tribal members.
- 5.3 BC Regular Meeting Minutes of January 12, 1990
  - 5.3.1 Motion by Kathy Hughes to have Amelia Cornelius chair a committee composed of the Education and Training Manager, Human Resources, Career Development staff and other interested persons to begin drafting the training plan in conjunction with the development of the Career Policy for the Tribe. (This was the beginning of the Oneida Tribal Management Training Program.)
- 5.4 GTC Resolution #07-06-92-A: Defines which positions within the Gaming Division will be held by enrolled Oneida members.
- 5.5 BC Resolution #07-26-00-B: All politically appointed positions of the Oneida Business Committee who are directly supervised by the individual Committee member shall be enrolled Oneida members or Oneida persons who are eligible for enrollment in the Oneida Tribe of Indians of Wisconsin.
- 5.6 BC Resolution #10-14-09-B: Open Records and Open Meeting Law.
- 5.7 GTC Meeting of 05-23-2011: Approval of Personnel Policies and Procedures Amendments to Strengthen Indian Preference in Hiring.