



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center

December 19, 2018 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
 - 1. December 5, 2018 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 - 1. Employee Protection Policy Amendments (pg. 4)
- IV. New Submissions**
 - 1. Curfew Law (pg. 15)
- V. Additions**
- VI. Administrative Updates**
 - 1. LOC Response to the TAP Laws and Policy Subcommittee Memorandum (pg. 16)
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
December 5, 2018
9:00 a.m.

Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King

Others Present: Maureen Perkins, Kristen Hooker, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Leyne Orosco, Brooke Duxtator, Melinda K. Danforth, Pat Lassila, Christina Liggins

I. Call to Order and Approval of the Agenda

David P. Jordan called the December 5, 2018 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to approve the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

November 21, 2018 LOC Minutes

Motion by Kirby Metoxen to approve the November 21, 2018 Legislative Operating Committee meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

III. Current Business

1. Election Law Amendments (1:40-10:38)

Motion by Jennifer Webster to accept the updated public comment review memorandum and updated draft; seconded by Ernest Stevens III. Motion carried unanimously.

Motion by Jennifer Webster to approve the adoption packet for the amendments to the Election law and forward to the Oneida Business Committee for inclusion in the January 21, 2019, General Tribal Council special meeting materials for the General Tribal Council's consideration with correction on page 137; seconded by Daniel Guzman King. Motion carried unanimously.

2. Sanctions and Penalties Law (10:40-12:35)

Motion by Jennifer Webster to accept the updated legislative analysis, including the replacement of page 159 in the packet; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Kirby Metoxen to approve the fiscal impact statement memorandum and forward to the Finance Department directing that a fiscal impact statement of the



proposed Sanctions and Penalties law be prepared for inclusion on the January 2, 2019 Legislative Operating Committee meeting agenda; seconded by Daniel Guzman King. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Items

VII. Executive Session

VIII. Adjourn

Motion by Ernest Stevens III to adjourn the December 5, 2018 Legislative Operating Committee meeting at 9:12 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee
December 19, 2018

Employee Protection Policy Amendments

Submission Date: 4/18/18	Public Meeting: 12/3/18
LOC Sponsor: David P. Jordan	Emergency Enacted: 4/25/18

Summary: *The purpose of the Employee Protection Policy is to give protection to employees who give information that is intended to protect the Nation. The processes set forth in the Personnel & Procedures may be sufficient protection for employees who act to protect the Nation's interests. The request is the LOC consider amendments or rescinding the law.*

12/20/17LOC: Motion by Jennifer Webster to add Employee Protection Policy to the Active Files List with a high priority and David P. Jordan as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

2/21/18LOC: Motion by Jennifer Webster to reprioritize the active files list lowering the Drug and Alcohol Free Law for Elected and Appointed Officials to medium, Employee Protection to medium, removing Hall of Fame Repeal, and to bump up Wellness Court, UCC Codes, and Industrial Hemp to High Priority; seconded by Daniel Guzman King. Motion carried unanimously.

4/18/18 LOC: Motion by Jennifer Webster to change the status to Emergency Amendments; seconded by Daniel Guzman King. Motion carried unanimously.

4/18/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Jo Anne House, Tani Thurner, Laura Laitinen-Warren. The purpose of this work meeting was to discuss an update and plan for the emergency amendments.

4/20/18: E-Poll conducted.

4/25/18 OBC: Motion by Kirby Metoxen to adopt resolution 04-25-18-G Employee Protection Policy Emergency Amendments, seconded by Brandon Stevens. Motion carried unanimously.

5/2/18 LOC: Motion by Ernest Stevens III to enter the Military Service Employee Protection Act Emergency Amendments E-poll into the record; seconded by Kirby Metoxen. Motion carried unanimously.

5/16/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Laura Laitinen-Warren. The purpose of this work meeting was to review and discuss the drafted permanent amendments. Drafting attorney will update the draft.

- 6/15/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Matthew J. Denny. The purpose of this work meeting was to discuss HRD's potential involvement in the disclosure portion of the Employee Protection Policy.
- 6/22/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Brandon Stevens, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Laura Laitinen-Warren. The purpose of this work meeting was to review potential options for revisions to the law – specifically the disclosure section. The LRO will conduct further research, and the drafting attorney will update the draft.
- 7/11/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Maureen Perkins. The purpose of this work meeting was to review requested research on other Tribal Employee Protection/Whistleblower laws and to review potential models for the draft.
- 8/23/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Matthew J. Denny, Nic Reynolds. Due to a majority of the meeting attendees not making the meeting, this work meeting was spent answering some questions regarding the draft, and discussing next steps.
- Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Loucinda Conway, Man from Hotline Development Company. Audit provided information on the Whistleblower hotline and how it will work.
- 9/5/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Jennifer Falck, Clorissa Santiago, Kristen Hooker, Brandon Wisneski, Maureen Perkins. The purpose of this work meeting was to obtain more direction from the LOC on how to proceed with this law now that more information on Audit's Whistleblower hotline was obtained.
- 9/5/18 LOC:** Motion by Jennifer Webster to approve the memo [*Regarding 8/27 GTC Directive*] and forward to the Oneida Business Committee: seconded by Daniel Guzman King. Motion carried unanimously.
- 9/27/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Kristen Hooker, Brandon Wisneski, Maureen Perkins, Fawn Billie. The purpose of this work meeting was to review research and statistics on the Employee Protection law, and then discuss and decide on an option to move this law forward. Drafting attorney and analyst will move forward with finalizing draft and analysis and bring back to LOC.
- 9/26/18/ OBC:** Motion by Lisa Summers to adopt resolution 09-26-18-F Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in Accordance with General Tribal Council's August 27, 2018 Directive with one amendment [to include language which requires bimonthly updates to the Oneida Business Committee at the second regular meeting of the month], seconded by Kirby Metoxen. Motion carried.
- 10/3/18 LOC:** Motion by Kirby Metoxen to remove the emergency designation from the Employee Protection Policy amendments; seconded by Ernest Stevens III. Motion carried unanimously.
- 10/9/18:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Loucinda Conway, Jackie Johnson, Mary Graves. The purpose of this work meeting was to obtain Internal Audit's comments on the proposed draft, and find out if it is consistent with the Hotline policies.

10/17/18 LOC: Motion by Jennifer Webster to accept the draft and legislative analysis of the amendments to the Employee Protection Policy and defer to a work meeting; seconded by Ernest Stevens III. Motion carried unanimously.

10/17/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Rosa Laster. The purpose of this working was to begin reviewing the legislative analysis and making policy considerations. LRO will prepare a public meeting packet for the next LOC meeting.

12/3/18: Public Meeting Held.

Next Steps:

- Accept the public comments and public comment review memorandum and defer to a work meeting for consideration.



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Santiago, Legislative Reference Office, Staff Attorney
DATE: December 19, 2018
RE: Whistleblower Protection Law: Public Meeting Comment Review

On December 3, 2018, a public meeting was held regarding the proposed Whistleblower Protection law (“the Law”). The public comment period was then held open until December 10, 2018. This memorandum is submitted as a review of the oral and written comments received within the public meeting and public comment period.

The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Thank you:

Pat Campbell (oral): Good afternoon, Pat Campbell, Gaming Employee Relations Representative. I’d just like to say I think you did a great job with it. The old policy was so confusing, especially for us as advocates when they were sending people to us. So, I think with the new Fraud Hotline and with the new policy, I think you did a great job. Thank you for making it easier for us, too.

Response

The commenter thanks the Legislative Operating Committee for the work done on the development of this Law, and states that the Law is much less confusing than the prior Employee Protection Policy.

There is no recommended revision based on this comment.

LOC Consideration

Comment 2 – Training on the Whistleblower Protection Law:

Barb Kolitsch (written): Please don’t mandate training. Employee protection (current law) is covered in new employee orientation and supervisor training. Announcing a new law should include basic communication about the law to employees of the Nation. Please allow HR the discretion as to how it would be best to communicate the new law. Just a note to further support

this – we have a law in place right now that requires annual 4 hours of training, and it doesn't make sense to mandate training in a law.

Response

The commenter requests that the Law itself does not mandate training, and instead decisions on how or when to train on the provisions of the Law be left to the discretion of the Nation's Human Resources Department.

Currently, there is no provision in the Law that requires any mandatory training on the provisions of the Law.

It would be a policy decision of the Legislative Operating Committee to determine if any training should be required at the time of adoption of this Law.

LOC Consideration

Title 2. Employment – Chapter 211 WHISTLEBLOWER PROTECTION

211.1 Purpose and Policy
211.2 Adoption, Amendment, Repeal
211.3 Definitions

211.4 Disclosure of Information
211.5 Protection from Retaliation

211.1. Purpose and Policy

211.1-1. The purpose of this law is to give protection to employees who give information that is intended to protect the Nation from fraud, theft or other detrimental effects.

211.1-2. It is the policy of the Oneida Nation to extend protection to employees who act within this law to protect the Nation's interests.

211.2. Adoption, Amendment, Repeal

211.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-__.

211.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

211.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

211.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control, provided that this law repeals the following:

- (a) The Employee Protection Policy adopted by emergency pursuant to BC-04-20-95-B, permanently adopted pursuant to BC-12-06-95-B and subsequently amended pursuant to BC-01-20-99-B, BC-06-30-04-J, and BC-02-25-15-C.

211.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

211.3. Definitions

211.3-1. This section shall govern the definitions of words as phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Employee" means any individual hired by the Nation and on the Nation's payroll and encompasses all forms of employment, including but not limited to: full-time, part-time, at-will, political appointees, and contracted persons.

- (b) "Entity" means a department, program, service, board, committee, or commission of the Nation.

- (c) "Nation" means the Oneida Nation.

- (d) "Official" means an individual elected or appointed to serve on a board, committee, or commission of the Nation, including the Oneida Business Committee.

211.4. Disclosure of Information

211.4-1. Whistleblowing occurs when an employee discloses information that the employee reasonably believes provides evidence that protects the Nation from any adverse actions of its employees that may result in a detrimental effect to the Nation. Adverse action that may result in a detrimental effect to the Nation includes, but is not limited to:

- (a) Any dishonest or fraudulent act;
- (b) Deceptive business practices;
- (c) Theft;

- (d) Extortion;
- (e) Bribery;
- (f) Embezzlement;
- (g) Blackmail;
- (h) Tampering and/or falsifying records contracts, or reports;
- (i) Forgery;
- (j) Misappropriate and/or misuse of the Nation's funds;
- (k) Disclosure of confidential information;
- (l) Destruction, removal, or inappropriate use of property of the Nation;
- (m) Unsafe working conditions;
- (n) Poor management;
- (o) Unethical conduct and conduct that violates a law and/or policy of the Nation.

211.4-2. An employee shall be protected from retaliatory action that results from making a disclosure of information as directed within this law. Retaliatory action includes all action whether disciplinary or otherwise.

(a) Disciplinary action that may be retaliatory includes, but is not limited to:

- (1) dismissal;
- (2) demotion;
- (3) transfer;
- (4) removal of duty;
- (5) refusal to restore;
- (6) layoff;
- (7) furlough;
- (8) suspension; and/or
- (9) reprimand.

(b) Action other than disciplinary action that may be retaliatory may include, but is not limited to:

- (1) loss of hours;
- (2) rescheduling shifts outside of normal shift changes;
- (3) change of job requirements without notice;
- (4) verbal or physical harassment;
- (5) reduction of pay;
- (6) denial of educational benefits;
- (7) reassignment; and/or
- (8) failure to increase base pay.

(c) Any action that can be reasonably justified as taken in good faith based on documented employee performance shall be excluded from classification as retaliatory action.

211.4-3. An employee shall make a disclosure of information through the:

- (a) use of the anonymous Fraud hotline; or
- (b) submission of a written disclosure to the Nation's Internal Audit Department.

211.4-4. Once a disclosure of information is made, the disclosing employee shall be provided an incident number confirming receipt of the disclosure.

211.4-5. The Internal Audit Department shall then have the authority to review the disclosure and conduct an investigation and/or an internal audit into the disclosure, if deemed appropriate. Upon the conclusion of the investigation the Internal Audit Department shall, where necessary, report their findings to an appropriate entity for action to address the findings, including, but not limited to, the:

- (a) Oneida Business Committee;

- (b) Oneida Law Office or other legal prosecuting agency;
- (c) Human Resources Department;
- (d) Oneida Police Department or other law enforcement agency;
- (e) Audit Committee; and/or
- (f) any other entity of the Nation.

211.5. Protection from Retaliation

211.5-1. If an employee alleges retaliatory action has been threatened or taken based on the employee's disclosure of information under this law, the employee may file a complaint for the retaliatory action in accordance with the grievance procedures provided in the Nation's laws and policies governing employment.

211.5-2. The employee shall be protected from the retaliatory action if the following is found:

- (a) the employee made a disclosure of information;
 - (1) The confirmation of disclosure that is provided when information is disclosed, as well as any resulting findings by the Internal Audit Department, shall be used as a reference to prove a disclosure of information.
- (b) the individual alleged to have taken retaliatory action against the disclosing employee was aware or became aware the disclosing employee had disclosed information;
- (c) the action taken against the disclosing employee was retaliatory as a result of the disclosure of information.

211.5-3. An individual who is found to have retaliated against an employee who made a disclosure of information pursuant to this law shall be subject to:

- (a) disciplinary action, up to and including termination, pursuant to the Nation's laws and policies governing employees, if an employee of the Nation;
- (b) sanctions and penalties pursuant to the Nation's laws and policies governing sanctions and penalties, if an official of the Nation;
- (c) removal pursuant to the Nation's laws and policies governing removal, if an elected official; and/or
- (d) termination of appointment pursuant to the Nation's laws and policies governing boards, committees, and commissions, if an appointed official.

End.

Adopted - BC-__-__-__-__



LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING

Whistleblower Protection Law

Business Committee Conference Room-2nd Floor Norbert Hill Center
December 3, 2018 12:15 p.m.

Present: David P. Jordan, Kirby Metoxen, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski, Lee Cornelius, Jennifer Falck, Rae Skenandore, Maureen Perkins, Michelle Myers, Jennifer Jordan, Virginia Peltier, Pat Campbell.

Kirby Metoxen: Good Afternoon. The time is 12:15 p.m. and today's date is Monday, December 3, 2018. I will now call to order the public meeting for the proposed Whistleblower Protection Law.

The Legislative Operating Committee is hosting these public meetings to gather feedback from the community regarding this legislative proposal. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public meeting period. The LOC will respond to all comments received in a memorandum, which will be submitted to the meeting materials of a future LOC meeting.

All persons who wish to present oral testimony need to register on the sign in sheet at the back of the room. If you leave an e-mail address on the sign in sheet, we will ensure you receive a copy of the memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business day, Monday, December 10, 2018.

In attendance from the LOC is: David Jordan, Daniel Guzman King and Kirby Metoxen, myself.

The LOC may impose a time limit for all speakers pursuant to section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of 5 minutes. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the proposed Whistleblower Protection Law. The purpose of this law is to give protection to employees who give information that is intended to protect the Nation from fraud, theft, or other detrimental effects. The proposed Whistleblower Protection Law will be replacing the Nation's current Employee Protection Policy.

Those who wish to speak please come to the microphone. We will allow a few minutes for you guys to collect your thoughts before you come up to the microphone.

Pat Campbell: Good afternoon, Pat Campbell, Gaming Employee Relations Representative. I'd just like to say I think you did a great job with it. The old policy was so confusing, especially for us as advocates when they were sending people to us. So, I think with the new Fraud Hotline and with the new policy, I think you did a great job.

Kirby Metoxen: Thank you.

Pat Campbell: Thank you for making it easier for us, too.

Kirby Metoxen: With there being no more speakers registered, the public meeting for the proposed Whistleblower Protection Law is now closed and the time is 12:19 p.m.

Thank you and written comments may be submitted until close of business on Monday, December 10, 2018. Thank you.

-End of Meeting-

Clorissa N. Santiago

From: Barbara A. Kolitsch
Sent: Wednesday, December 05, 2018 9:54 AM
To: LOC
Subject: Public Hearing comments - Whistleblower Protection Law

Please don't mandate training. Employee protection (current law) is covered in new employee orientation and supervisor training.

Announcing a new law should include basic communication about the law to employees of the Nation. Please allow HR the discretion as to how it would be best to communicate the new law.

Just a note to further support this – we have a law in place right now that requires annual 4 hours of training, and it doesn't make sense to mandate training in a law.

Thank you

Barb Kolitsch, SHRM-CP
Senior Trainer
920-490-3649

Training Team phone: 920-490-3620

Always treat your employees exactly as you want them to treat your best customers. You can buy a person's hand, but you can't buy their heart. Their heart is where enthusiasm is, where loyalty is. – FranklinCovey



A good mind. A good heart. A strong fire.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: December 19, 2018
- 2) Contact Person(s): Clorissa N. Santiago
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4417 Email: csantia1@oneidanation.org
- 3) Agenda Title: Curfew Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 10/17/18 the LOC accepted a memo from the TAP Laws and Policy Subcommittee and deferred the memo to a work meeting for further review and consideration. On 12/5/18 the LOC held the work meeting and determined a Curfew law for the Nation should be developed.

List any supporting materials included and submitted with the Agenda Request Form

- 1) _____
- 2) _____
- 3) _____
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:
TAP Laws and Policy Subcommittee

- 7) Do you consider this request urgent? ☐ Yes ☒ No

If yes, please indicate why:

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

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



TO: Lisa Liggins, Oneida Nation School Board Chairperson
George Skenandore, Governmental Services Division Director
Susan House, Fitness, Adventure, and Recreation Area Manager
Dr. Ravinder Vir, Comprehensive Health Medicine Division Director
Debra Danforth, Comprehensive Health Operations Division Director
Geraldine Danforth, Human Resources Department Area Manager
Lawrence E. Barton, Chief Financial Officer
Ralinda R. Ninham-Lamberies, Assistant Chief Financial Officer

FROM: David P. Jordan, Legislative Operating Committee Chairman

DATE: December 19, 2018

RE: Response to Tribal Action Plan Laws and Policy Subcommittee Memorandum

On September 13, 2018, the Nation's Quality of Life Committee reviewed a memorandum from the Tribal Action Plan ("TAP") Laws and Policy Subcommittee regarding recommendations for laws and/or policies that would advance the goals of the TAP. The Quality of Life Committee then adopted a motion to forward the TAP Laws and Policy Subcommittee memorandum to the Legislative Operating Committee.

On October 17, 2018, the Legislative Operating Committee accepted the memorandum and deferred the memorandum to a work meeting for further review and discussion. The Legislative Operating Committee held a work meeting on December 5, 2018, to review and consider the recommendations.

This memorandum serves as the Legislative Operating Committee's response and directives to the various recommendations contained in the TAP Laws and Policy Subcommittee memorandum.

Curfew Law

The TAP Laws and Policy Subcommittee memorandum recommended that the Legislative Operating Committee develop a Curfew law. The Legislative Operating Committee discussed the importance of the Nation developing laws to protect the safety of children in the community, as well as provide accountability through consequences that reflect the circumstances and needs of the community.

The Legislative Operating Committee determined that the Nation would benefit from a Curfew law. The Legislative Operating Committee also discussed the many opportunities for community involvement and input the development of this law might provide.

Requested Action

The Legislative Operating Committee will add the Curfew law to the Active Files List on December 19, 2018 and begin the development of this law.

Truancy

The TAP Laws and Policy Subcommittee memorandum recommended that the Nation's truancy policies are amended to include more accountability measures for both the parents and the children, as well as to incorporate restorative justice practices into addressing truancy issues.

The Legislative Operating Committee discussed reviewing truancy policies of those school districts in the surrounding areas to see how truancy issues are being addressed locally, but also discussed the importance of the Nation's truancy policy addressing the specific needs of this community.

Requested Action

The Legislative Operating Committee requests the Oneida Nation School Board review its truancy policies and determine what improvements can be made to better meet the needs of the Nation.

Drug and Alcohol Free Workplace Law

The TAP Laws and Policy Subcommittee memorandum recommended that amendments be made to the Nation's Drug and Alcohol Free Workplace law to increase accountability and consequences, as well as explore random drug testing instead of the current suspicion based testing.

The Legislative Operating Committee discussed the fact that the Drug and Alcohol Free Workplace law was most recently amended by the Oneida Business Committee through resolution BC-04-12-17-C. During the development of the most recent amendments many of the TAP Laws and Policy Subcommittee's recommendations, such as random drug testing, were reviewed and considered. The Legislative Operating Committee directed the Legislative Reference Office to conduct research as to why some of those ideas were not included in the previous amendments.

The Legislative Operating Committee determined that the Drug and Alcohol Free Workplace law should not be amended at this time, but as the Wellness Court is developed in the future it may be an issue that is reconsidered.

Requested Action

The Legislative Operating Committee directed the Legislative Reference Office staff to provide an update on why recommended amendments to the Drug and Alcohol Free Workplace law were rejected when the law was last amended in April of 2017.

Fitness Center Policy: Minors without Parental Supervision

The TAP Laws and Policy Subcommittee memorandum recommended that the Oneida Family Fitness policy regarding minors without parental supervision be reviewed and amended. The TAP Laws and Policy Subcommittee expressed concern that the internal policy that limits the access of unsupervised children aged twelve (12) years or younger to two (2) hours at the Fitness Center leaves children vulnerable without a safe environment to be in.

The Legislative Operating Committee discussed whether the internal policies of the various facilities within Oneida Family Fitness, Adventures & Recreation can be reviewed and addressed to better fit the needs of the children of the community, to best ensure the children have a safe environment to spend time in.

Requested Action

The Legislative Operating Committee requests the Governmental Services Division to review the internal policies of the various facilities within the Oneida Family Fitness, Adventures & Recreation to ensure the needs of the community are best met and that children have a safe environment to spend time in.

Mandatory Mental Health Care

The TAP Laws and Policy Subcommittee memorandum recommended that a policy be developed that would require mandatory mental health care for employees of the Nation in an effort to remove the negative stigma around seeking mental health care.

The TAP Laws and Policy Subcommittee provided many suggestions such as the use of tele-health for mental health care or incorporating mental health check-ups into the Health Risk Assessment process.

The Legislative Operating Committee discussed the fact that Oneida Behavioral Health has already developed a Telemental Health/Video Specialist Program that was opened for use on November 29, 2018.

The Legislative Operating Committee discussed that maybe the resources of the Nation regarding mental health care can be better communicated to all employees, and it can be explored whether a mental health aspect can be added to the Health Risk Assessment.

Requested Action

The Legislative Operating Committee requests the Comprehensive Health Division review its internal policies and procedures to ensure the needs of the community are best met in regard to mental health care, and ways to incentivize pursuing mental health care are explored.

HRD Hiring Pre-Assessments and Fit for Duty Standards

The TAP Laws and Policy Subcommittee memorandum recommended that the Nation's laws and policies governing employment and hiring of employees be amended so that a pre-assessment process can be put into place to assess a person's strengths and weaknesses prior to hiring so that a proper job fit for a career path can be determined for a person.

The Legislative Operating Committee discussed positive personal experiences with other tribes who utilize pre-assessments for hiring, as well as the understanding that the Nation's Human Resources Department has already begun to look into this issue and how to improve the Nation's hiring process.

The Legislative Operating Committee determined that it is not necessary to amend the Oneida Personnel Policies and Procedures at this time, but understands future amendments might be necessary.

Requested Action

The Legislative Operating Committee requests the Nation's Human Resources Department to review current laws and policies of the Nation regarding hiring practices to determine how the hiring process can be improved.

Per Capita Law Amendments

The TAP Laws and Policy Subcommittee memorandum recommended that the Per Capita law be amended to provide other methods of distribution, increase the age for the distribution of a minor's trust account, require mandatory financial planning and budgeting training, and require drug tests for per capita payments.

The Legislative Operating Committee discussed the fact that the TAP Laws and Policy Subcommittee made these recommended amendments based on testimony from individuals in the community healing from addiction that stated receiving a large lump sum of money from the Nation served as a trigger point for advanced drug use.

The Legislative Operating Committee also discussed the fact that there is currently a sub-team being developed by the Finance Department to review per capita distributions, and that this information can be shared with that sub-team.

Requested Action

The Legislative Operating Committee requests the Finance Department to consider the TAP Laws and Policy Subcommittee recommendations when reviewing per capita distributions.

December 2018

December 2018						
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January 2019						
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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 25	26	27	28	29	30	Dec 1
2	3 12:15pm PUBLIC MEETING: Whistleblower Protection Law (BC_Conf_Room) - Clorissa	4	5 9:00am LOC Meeting (BC_Conf_Room) - LOC	6	7	8
9	10 6:00pm GTC (Radisson)	11	12	13	14 8:30am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	15
16	17	18	19 9:00am LOC Meeting (BC_Conf_Room) - LOC	20	21	22
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January 2019

January 2019						
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February 2019						
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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 30	31	Jan 1, 19	2 9:00am LOC (BC_Conf_Room) - Jennifer A. Falck	3	4	5
6	7	8	9	10	11 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	12
13	14	15	16 9:00am LOC (BC_Conf_Room) - Jennifer A. Falck	17	18	19
20	21 6:00pm GTC (Radisson)	22	23	24 1:30pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	25	26
27	28	29	30 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	31	Feb 1	2