Oneida Business Committee

Executive Session
1:00 PM Tuesday, February 12, 2019
BC Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
1:00 PM Tuesday, February 12, 2019
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to https://goo.gl/uLp2jE. Scheduled times are subject to change.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. RESOLUTIONS

A. Adopt resolution entitled FY 2019 Coordinated Tribal Assistance Solicitation grant application - U.S. Department of Justice
Sponsor: Joanie Buckley, Division Director/Internal Services

B. Adopt resolution entitled Whistleblower Protection Law
Sponsor: David P. Jordan, Councilman

V. APPOINTMENTS

A. Determine next steps regarding three (3) vacancies with terms ending December 31, 2022 - Oneida Nation Veterans Affairs Committee
Sponsor: Lisa Summers, Secretary

B. Determine next steps regarding one (1) vacancy with term ending February 28, 2020, and three (3) vacancies with terms ending February 28, 2022 - Oneida Pow-wow Committee
Sponsor: Lisa Summers, Secretary

C. Determine next steps regarding three (3) vacancies with terms ending February 28, 2022 - Southeastern Oneida Tribal Services Advisory Board
Sponsor: Lisa Summers, Secretary

VI. STANDING COMMITTEES

A. FINANCE COMMITTEE

1. **Approve the Febuary 4, 2019, regular Finance Committee meeting minutes**
   Sponsor: Trish King, Treasurer

VII. NEW BUSINESS

A. **Post one (1) vacancy - Oneida Election Board**
   Sponsor: Lisa Summers, Secretary

B. **Repost seven (7) vacancies - Oneida Nation Arts Board**
   Sponsor: Lisa Summers, Secretary

VIII. EXECUTIVE SESSION

A. REPORTS

1. **Accept the Intergovernmental Affairs Director report**
   Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

B. NEW BUSINESS

1. **Approve a limited waiver of sovereign immunity - U.S. Bank National Association contract - file # 2018-0802**
   Sponsor: Michele Doxtator, Area Manager/Retail Profits

2. **Approve the attorney contract - Quarles & Brady LLP - file # 2019-0127**
   Sponsor: Larry Barton, Chief Financial Officer

3. **Review applications for three (3) vacancies with terms ending December 31, 2022 - Oneida Nation Veterans Affairs Committee**
   Sponsor: Lisa Summers, Secretary

4. **Review applications for one (1) vacancy with term ending February 28, 2020, and three (3) vacancies with terms ending February 28, 2022 - Oneida Pow-wow Committee**
   Sponsor: Lisa Summers, Secretary

5. **Review applications for three (3) vacancies with terms ending February 28, 2022 - Southeastern Oneida Tribal Services Advisory Board**
   Sponsor: Lisa Summers, Secretary

6. **Approve the employment contract for DR19 - file # 2019-0110**
   Sponsor: Tehassi Hill, Chairman

IX. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: oneida-nsn.gov/government/business-committee/agendas-packets/

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Adopt resolution entitled FY 2019 Coordinated Tribal Assistance Solicitation grant application - U.S. D

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 12 / 19

2. General Information:

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

Agenda Header: Resolutions

☐ Accept as Information only

☒ Action - please describe:

The U.S. Department of Justice requires a resolution be approved and signed by the tribal governing body, as part of their application requirements.

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: Joanie Buckley, Division Director/Internal Services

Primary Requestor/Submitter: Cheryl Stevens, Director - Grants Office Cheryl Stevens/mjd
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:

There are two Tribal Programs/Offices that will be submitting an application for the FY 2019 Coordinated Tribal Assistance Solicitation grant. The U.S. Department of Justice, who is the funding agency, requires Tribal Authority to Apply documentation or an approved and signed Tribal resolution. This is part of the requirements of the grant.

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

Post Office Box 365

Phone: (920) 869-2214 Oneida, WI 54155

BC Resolution # _____

FY 2019 Coordinated Tribal Assistance Solicitation grant application - U.S. Department of Justice

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 Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Oneida Nation has determined that the overall goal of the Nation is to protect, maintain and improve the standard of living and the environment in which the Oneida people live; and

WHEREAS, the Oneida Nation understands and recognizes the need to address issues of crime, violence and other "at-risk" related behaviors which are in direct contrast to the traditions, culture and spiritual way of life; and

WHEREAS, the Oneida Nation understands and recognizes there is a need to develop a comprehensive approach that encompasses public safety, judicial, gang issues, substance abuse related crimes and prevention and intervention program enhancement/expansion; and

WHEREAS, the Oneida Nation believes our community will be strengthened by providing critically needed services and programming which will have a positive impact on our community and tribal members, families, elders and youth; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Nation authorizes and supports the submission of the FY 2019 Coordinated Tribal Assistance Solicitation Grant application to the U.S. Department of Justice in the following Purpose Areas: #1-Public Safety and Community Policing in an amount up to $800,000 and #5-Tribal Governments Program in an amount of $900,000.

GRANT SYNOPSIS

GRANT: FY 2019 Coordinated Tribal Assistance Solicitation (CTAS)
U.S. Department of Justice

PROGRAM / DIRECTOR:
Oneida Police Department – Eric Boulanger, Chief of Police
Oneida Social Services/Community and Family Services – Laurie Becker, Community Advocate Manager

GRANT AMOUNT:
Public Safety and Community Policing – up to $800,000 / 3 years
Tribal Governments Program - $900,000 / 3 years

MATCH: No match required

SYNOPSIS: In 2010, the U.S. Department of Justice launched its first Coordinated Tribal Assistance Solicitation (CTAS), which combined the Department of Justice's existing Tribal government-specific competitive solicitations into a single solicitation requiring only one application from each tribe or tribal consortium. This approach provides federally recognized tribes and tribal consortia the opportunity to develop a comprehensive approach to public safety and victimization issues.

The current Tribal programs applying are as follows:

Oneida Police Department will use funding to purchase equipment such as in-squad cameras, mobile data computers, radar systems, body worn cameras and tasers.

Oneida Social Services/Community and Family Services Department will use funding to enhance their current domestic abuse and sexual assault services while also expanding their Transitional Living Program (TLP) to assist more women and families.

Oneida Business Committee Agenda Request

Adopt resolution entitled Whistleblower Protection Law

1. Meeting Date Requested: 2 / 12 / 19

2. General Information:

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

Agenda Header: Standing Committees

☐ Accept as Information only

☒ Action - please describe:

Consider the Employee Protection Policy Amendments for adoption

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1. Adoption Packet
3.
2.
4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David P. Jordan, LOC Chairman

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

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

TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson
DATE: February 13, 2019
RE: Whistleblower Protection Law

Please find the following attached backup documentation for your consideration of the proposed Whistleblower Protection law:

1. Resolution: Whistleblower Protection Law
2. Statement of Effect: Whistleblower Protection Law
3. Whistleblower Protection Law Legislative Analysis
4. Whistleblower Protection Law
5. Whistleblower Protection Law Fiscal Impact Statement

Overview

On December 20, 2017, the Legislative Operating Committee decided to pursue amendments to the Nation's Employee Protection Policy. The purpose of the Employee Protection Policy is to protect employees who give information that is intended to protect the Nation from fraud, theft or other detrimental effects.

Through the development of amendments to the Employee Protection Policy the Legislative Operating Committee determined that due to the substantial amount of proposed amendments, and the change in title of the law, the Whistleblower Protection law should be considered the adoption of a new law that repeals and replaces the Employee Protection Policy instead of amendments to the Employee Protection Policy.

Although the proposed Whistleblower Protection law simplifies the process and procedure contained in the Employee Protection law, the Whistleblower Protection law maintains the Employee Protection Policy's original intent to give protection to employees who provide information intended to protect the Nation from detrimental effects.

This resolution adopts the proposed Whistleblower Protection law which will give protection to employees who give information that is intended to protect the Nation from fraud, theft, or other detrimental effects. The Whistleblower Protection law will:

- Provide that 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 *[2 O.C. 211.4-1]*;
- Protect an employee from any retaliatory action that results from making a disclosure of information *[2 O.C. 211.4-2]*;

- Provide that an employee shall make a disclosure of information through the use of the anonymous Fraud hotline or submission of a written disclosure to the Nation's Internal Audit Department *[2 O.C. 211.4-3]*;
- Grant authority to the Internal Audit Department to review the disclosure and conduct an investigation and/or an internal audit into the disclosure, if deemed appropriate, in addition to requiring the Internal Audit Department to report their findings to an appropriate entity for action to address the findings if necessary *[2 O.C. 211.4-5]*;
- Allow an employee who alleges retaliatory action has been threatened or taken based on the employee's disclosure of information to file a complaint for the retaliatory action in accordance with the grievance procedures provided in the Nation's Personnel Policies and Procedures *[2 O.C. 211.5-1]*;
- Protect the employee from retaliatory action if it is found that the employee made a disclosure of information, the individual alleged to have taken retaliatory action against the disclosing employee was aware or became aware the disclosing employee had disclosed information, and the action taken against the disclosing employee was retaliatory as a result of the disclosure of information *[2 O.C. 211.5-2]*;
- Provide enforcement for an individual who is found to have retaliated against an employee who made a disclosure of information pursuant to this law *[2 O.C. 211.5-3]*; and
- Repeal and replace the Nation's current Employee Protection Policy.

The Legislative Operating Committee developed the proposed Whistleblower Protection law through the review of various laws of the Nation, as well as a review of laws providing whistleblower protection from five (5) other tribal nations. The Legislative Operating Committee consulted with the Internal Audit Department, the Human Resources Department's Equal Opportunity Department and Training and Development Department, Oneida Personnel Commission, Oneida Nation School Board, Oneida Nation Gaming Commission, and Oneida Nation Police Commission.

In accordance with the Legislative Procedures Act, a public meeting on the proposed Whistleblower Protection law was held on December 3, 2018. Five (5) people attended the public meeting with one (1) person providing oral comments. The public comment period closed on December 10, 2018. The Legislative Operating Committee received one (1) written comment during the public comment period. The two (2) public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on December 19, 2018. Any changes made based on those comments have been incorporated into this draft.

The proposed Whistleblower Protection law is intended to work in conjunction with the Nation's new anonymous Fraud Hotline, which became effective on December 1, 2018. The intent of the anonymous Fraud Hotline is to provide a centralized way for employees to report fraud, unlawful, unethical, or other types of inappropriate behavior without fear of retaliation. The Fraud Hotline is administered by a third party and is available twenty-four (24) hours per day, seven (7) days per week.

Requested Action
Approve the Resolution: Whistleblower Protection law.

Oneida Nation
Post Office Box 365
Phone: (920)869-2214 Oneida, WI 54155

BC Resolution # _____
Whistleblower Protection 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 Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the purpose of the Whistleblower Protection law ("the Law") is to provide protection to employees of the Nation who give information that is intended to protect the Nation from fraud, theft, or other detrimental effects; and

WHEREAS, 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; and

WHEREAS, the Law protects an employee from any retaliatory action that results from making a disclosure of information; and

WHEREAS, an employee can make a disclosure of information through the use of the Nation's anonymous Fraud hotline or submission of a written disclosure to the Nation's Internal Audit Department; and

WHEREAS, the Internal Audit Department is granted the authority to review the disclosure and conduct an investigation and/or an internal audit into the disclosure, if deemed appropriate, in addition to requiring the Internal Audit Department to report their findings to an appropriate entity for action to address the findings if necessary; and

WHEREAS, an employee who alleges retaliatory action has been threatened or taken based on the employee's disclosure of information is allowed the opportunity to file a complaint for the retaliatory action in accordance with the grievance procedures provided in the Nation's laws governing employment; and

WHEREAS, the Law protects the employee from retaliatory action if it is found that the employee made a disclosure of information, the individual alleged to have taken retaliatory action against the disclosing employee was aware or became aware the disclosing employee had disclosed information, and the action taken against the disclosing employee was retaliatory as a result of the disclosure of information; and

WHEREAS, enforcement for an individual who is found to have retaliated against an employee who made a disclosure of information is provided by this Law; and

WHEREAS, a public meeting on the proposed Law was held on December 3, 2018, in accordance with the Legislative Procedures Act, and the public comments were reviewed and accepted by the Legislative Operating Committee on December 19, 2018.

NOW THEREFORE BE IT RESOLVED, that the Whistleblower Protection law is hereby adopted and shall become effective on February 27, 2019.

BE IT FURTHER RESOLVED, that the Whistleblower Protection law hereby repeals and replaces the Nation's Employee Protection Policy which was 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.

BE IT FINALLY RESOLVED, that any individual who has been granted protected status under the Employee Protection Policy shall maintain his or her protected status, but shall use the provisions found in section 211.5 of the Whistleblower Protection law for protection from retaliation.

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

Statement of Effect
Whistleblower Protection Law

Summary

This resolution adopts the Whistleblower Protection law which provides protection to employees of the Nation who give information that is intended to protect the Nation from fraud, theft, or other detrimental effects.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office
Date: February 6, 2019

Analysis by the Legislative Reference Office

The Legislative Procedures Act ("the LPA") was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. *[1 O.C. 109.1-1].* This resolution adopts the Whistleblower Protection law, which complies with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. *[1 O.C. 109.6, 109.7, 109.8].*

The proposed Whistleblower Protection law will provide protection to employees of the Nation who give information that is intended to protect the Nation from fraud, theft, or other detrimental effects.

In accordance with the LPA, a public meeting on the proposed Whistleblower Protection law was held on December 3, 2018. Five (5) members of the community attended the public meeting with one (1) person providing oral comments. The public comment period closed on December 10, 2018. The Legislative Operating Committee received one (1) written comment during the public comment period. The two (2) public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on December 19, 2018. Any changes made based on those comments have been incorporated into this draft.

The Whistleblower Protection law will become effective ten (10) business days after the adoption of this resolution in accordance with the LPA. *[1 O.C. 109.9-3].*

Adoption of the Whistleblower Protection law will repeal the Nation's current Employee Protection Policy which was 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. The LPA states that a majority vote is required for the adoption of a law by the Oneida Business Committee, and laws shall be repealed in accordance with the laws governing Oneida Business Committee action. *[1 O.C. 109.9-2(a)].*

Additionally, this resolution provides a grandfather clause for those individuals who have previously been granted employee protection under the Employee Protection Policy, which clarifies that any individual who has been granted protected status under the Employee Protection Policy shall maintain his or her protected status but shall use the provisions found in section 211.5 of the Whistleblower Protection law for protection from retaliation.

Conclusion

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

WHISTLEBLOWER PROTECTION LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: LOC	SPONSOR: David P. Jordan	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	To repeal the Employee Protection Policy and replace it with a Whistleblower Protection Law that incorporates the Nation's new anonymous Fraud Hotline; to ban retaliation against employees; to direct all whistleblower disclosures to the Fraud Hotline or Internal Audit Department; to provide a grievance and complaint process for employees who have been retaliated against; and to provide disciplinary actions and other consequences for employees and officials who retaliate against whistleblowers.		
Purpose	To give protection to employees who give information that is intended to protect the Nation from fraud, theft or other detrimental effects *[see 211.1-1]*.		
Affected Entities	All employees of the Nation. All elected and appointed officials of the Nation. Internal Audit Department, Audit Committee, Human Resources Department, Personnel Commission, Judiciary, Oneida Business Committee, Oneida Law Office, Oneida Police Commission, Oneida Nation School Board, Oneida Gaming Commission.		
Affected Legislation	Employee Protection Policy; Personnel Policies and Procedures (Blue Book); Boards; Committees and Commissions Law, Removal Law and Internal Audit Law.		
Enforcement/Due Process	Employees of the Nation who retaliate against an employee may be subject to disciplinary action, up to and including termination. Elected and appointed officials of the Nation who retaliate against an employee may be subject to sanctions and penalties, removal from office or termination of appointment *[see 211.5-3]*.		
Public Meeting	A public meeting was held on December 3, 2018.		
Fiscal Impact	See fiscal impact statement prepared by Finance Dept. in accordance with the Legislative Procedures Act.		

SECTION 2. LEGISLATIVE DEVELOPMENT

A. The Employee Protection Policy was first adopted by the Oneida Business Committee on April 20, 1995. The purpose of the law is to protect employees who give information that is intended to protect the Nation from fraud, theft or other detrimental effects. The current Employee Protection Policy provides a process for how employees make disclosures, a process to request "protected status" that allows protected employees to bypass the normal complaint and grievance process in the Personnel Policies and Procedures, and the ability of protected employees to receive a "protective order" from the Personnel Commission if they are retaliated against.

B. Amendments to the Employee Protection Policy were added to the Legislative Operating Committee's Active Files List on December 20, 2017. Over the course of developing amendments, the LOC determined that the proposed changes to the law were substantial enough that the Whistleblower Protection Policy should be considered a new law that repeals and replaces the Employee Protection Policy.

C. The proposed Whistleblower Protection Law is intended to work in conjunction with the Nation's new anonymous Fraud Hotline, which became effective on December 1, 2018. The anonymous Fraud Hotline is intended to be a centralized way for employees to report fraud, unlawful, unethical or other types of inappropriate behavior without fear of retaliation. The Fraud Hotline is administered by a third

party and is available 24 hours per day, seven days per week. Reports from the Fraud Hotline are sent to the Internal Audit Department for follow-up and potential investigations.

D. This proposed law repeals the Employee Protection Policy and replaces it with a new Whistleblower Protection Law. The intent of the law is to ban retaliation against employees; to direct all whistleblower disclosures to the Fraud Hotline or Internal Audit Department; to provide a grievance and complaint process for employees who have been retaliated against; and to provide disciplinary actions and other consequences for employees and officials who retaliate against whistleblowers.

SECTION 3. CONSULTATION AND OUTREACH

A. The Legislative Operating Committee (LOC) held work meetings with Internal Audit, Human Resources Equal Employment Opportunity (EEO) and HRD Training and Development in the development of this law and analysis. In addition, representatives from the Gaming Commission, School Board and Police Commission were invited to attend a work meeting to provide input regarding the Employee Protection Policy. The LOC received data regarding historical Employee Protection Policy caseload from staff of the following entities: Oneida Personnel Commission, Oneida Nation School Board, Oneida Nation Gaming Commission, and Oneida Nation Police Commission.

B. The following Oneida laws were reviewed in the drafting of this analysis: Personnel Policies and Procedures, Boards, Committees and Commissions Law, Removal Law, Internal Audit Law, and Code of Ethics. In addition, the following laws were reviewed in drafting this analysis:

- Ho Chunk Nation Employment Relations Act
- Mashantucket Pequot Tribal Whistleblower Law
- Little Traverse Band of Odawa Indians Whistleblower Protection
- Seminole Nation Whistleblower Protection
- Osage Nation Whistleblower Protection Law

SECTION 4. PROCESS

A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).

B. The law was added to the Active Files List under Employee Protection Policy on 12/20/2017.

C. At the time this legislative analysis was developed, the following work meetings were held/scheduled regarding the development of this law and legislative analysis:

- April 18, 2018: LOC Work Meeting.
- May 16, 2018: LOC Work Meeting.
- June 15, 2018: Work Meeting with HRD EEO.
- June 22, 2018: LOC Work Meeting.
- July 11, 2018: LOC Work Meeting.
- August 23, 2018: Work Meeting with HRD EEO and HRD Training and Development. Representatives from the Gaming Commission, Police Commission and School Board were also invited to this meeting.
- August 23, 2018: Work Meeting with Internal Audit Department.
- September 27, 2018: LOC Work Meeting.
- October 9, 2018: Work Meeting with Internal Audit Department.
- October 17, 2018: LOC Work Meeting.
- December 19, 2018: LOC Work Meeting.

SECTION 5. CONTENTS OF THE LEGISLATION

A. ***Repeal of Employee Protection Policy.*** Adoption of the proposed Whistleblower Protection Law will repeal and replace the current Employee Protection Policy *[see 211.2-4(a)]*. This analysis provides comparisons between the current Employee Protection Policy and the proposed Whistleblower Protection Law.

B. ***What is "Whistleblowing"?*** A whistleblower is an employee who shares evidence or provides information that protects the Oneida Nation from adverse actions of its employees *[see 211.4-1]*.

- Examples in the law include: any dishonest or fraudulent act, deceptive business practices, theft, extortion, bribery, embezzlement, blackmail, tampering and or falsifying records, forgery, misappropriation or misuse of the Nation's funds, disclosure of confidential information, destruction, removal or inappropriate use of property of the Nation, unsafe working conditions, poor management, or unethical conduct or violation of a law or policy of the Nation.

C. ***Ban on Retaliation.*** Employees who make whistleblower disclosures under this law are protected from retaliation *[see 211.4-2]*. Examples of retaliation listed in this law include:

- *Disciplinary Actions* such as dismissal, demotion, transfer, removal of duty, refusal to restore, layoff, furlough, suspension, and/or reprimand.
- *Non-Disciplinary Actions* such as loss of hours, rescheduling shifts outside of normal shift changes, change of job requirements without notice, verbal or physical harassment, reduction of pay, denial of educational benefits, reassignment, and/or failure to increase base pay.

D. ***Where to Submit Whistleblower Disclosures.*** Employees will now submit all whistleblower disclosures using the Fraud Hotline or by submitting in writing to the Internal Audit Department *[see 211.4-3]*. Previously, employees also had the option of submitting their disclosures to the Personnel Commission, Oneida Nation School Board, Oneida Police Commission, Oneida Gaming Commission, or to a supervisor, law enforcement official, attorney, or employee advocate. Now, all employees will submit whistleblower disclosures to one centralized location.

Chart 1. Comparison of Where to Submit Whistleblower Disclosures.

Employee Protection Policy (current)	**Whistleblower Protection Law (proposed)**
Employee Submits to one of the following: ▪ Internal Audit, ▪ Gaming Commission, ▪ School Board, ▪ Police Commission, ▪ Personnel Commission, or ▪ Supervisor, Law Enforcement Agency, Attorney retained by employee, or Employee Advocate, who will direct the disclosure to one of the "appropriate agencies" listed above.	*Employee Submits to one of the following:* ▪ Anonymous Fraud Hotline ▪ Internal Audit

- ***Anonymous Fraud Hotline.*** An Anonymous Fraud Hotline has been developed by the Internal Audit Department. The hotline is operated by a third-party vendor and is available 24 hours per day, seven days per week. The purpose of the hotline is to provide a centralized and anonymous way to report fraud, unlawful, unethical and other types of improper behavior. For more details regarding the hotline, see Section 9 "Other Considerations."
- ***Contents of Disclosure***. The proposed Whistleblower Protection Law does not describe any specific information that must be included in the disclosure. In comparison, the current Employee Protection Policy requires employees to submit a written, dated, signed disclosure that is hand carried, mail certified or delivered by law enforcement. The current Employee Protection Policy also requires employees to identify themselves in the disclosure and identify the person and persons against whom the claim is made, and provide date, times and summary of the misconduct.

E. ***Receipt of Disclosure.*** After submitting their disclosure, employees will receive an incident number. This incident number confirms that the employee's disclosure was received. This will allow employees

to provide evidence of their disclosure should they be retaliated against and need to file a complaint or grievance in the future *[see 211.4-4]*.

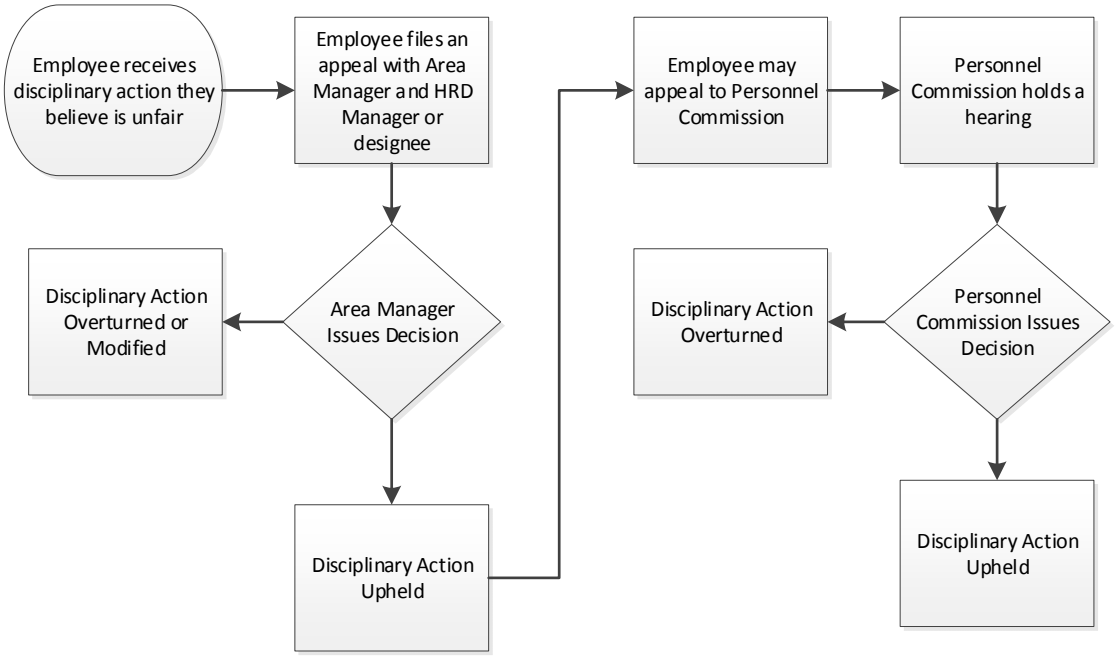
- ***Comparison to Employee Protection Policy.*** The current Employee Protection Policy requires the agency to provide a signed and dated receipt to the employee when they submit their disclosure. In contrast, the proposed Whistleblower Protection Law requires the employee be provided with an incident number.

F. ***Investigation.*** After receiving a disclosure from the Fraud Hotline or directly from the employee, Internal Audit has the authority to review and conduct an investigation and/or an audit. Once Internal Audit's investigation is complete, they will report their findings to the appropriate entity for further action, if necessary. For example, the findings could be reported to the Oneida Business Committee, Oneida Law Office, Human Resources Department, Oneida Police Department or other law enforcement agency, the Audit Committee, or any other entity of the Nation *[see 211.4-5]*.

G. ***Protection from Retaliation.*** If an employee feels they have been retaliated against, they can file a complaint using the complaint and grievance processes in the Nation's Personnel Policies and Procedures, also known as "the Blue Book" *[see 211.5-1]*.

- ***Disciplinary Actions.*** Chart 2 illustrates the grievance process in the Personnel Policies and Procedures for disciplinary actions, such as suspensions or termination of employment. If a disciplinary action is overturned, the employee can be reinstated with back pay. *[See Personnel Policies and Procedures - Section V Employee Relations, 5. Complaints, Disciplinary Actions and Grievances]*.

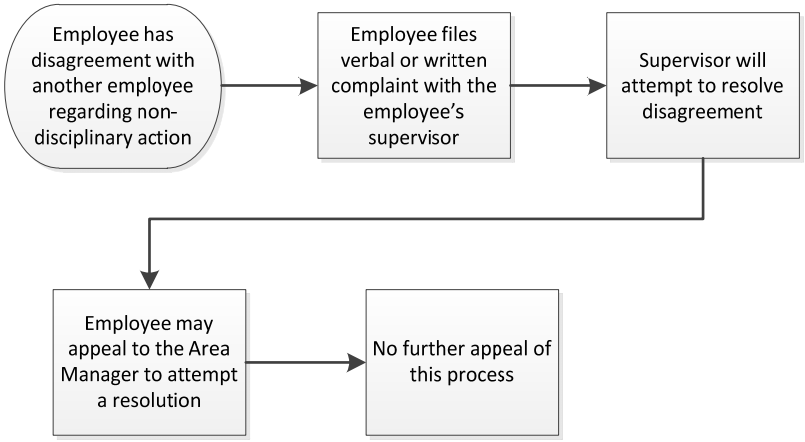
Chart 2. Grievance Process for Disciplinary Actions in Personnel Policies and Procedures



- ***Comparison to Employee Protection Policy.*** The current Employee Protection Policy allows employees who have been granted protection to skip a step in the grievance process and go straight to the Personnel Commission if they feel they have been retaliated against. This ability to skip a step in the grievance process is removed in the proposed Whistleblower law *[see current Employee Protection Policy, 2 O.C. 211.5-2(b)]*.

- ***Non-Disciplinary Actions.*** Chart 3 depicts the complaint process in the Personnel Policies and Procedures for non-disciplinary complaints, such as loss of hours or change of schedule. *[See Personnel Policies and Procedures - Section V Employee Relations, 5. Complaints, Disciplinary Actions and Grievances]*.

Chart 3. Complaint Process for Non-Disciplinary Actions in Personnel Policies and Procedures



- ***Comparison to Employee Protection Policy.*** The current Employee Protection Policy allows employees who have been granted protection to skip the Complaint Process in the Personnel Policies and Procedures and go straight to their Division Director if they have received a non-disciplinary action that is retaliatory. This ability to skip the complaint process and go to the division director is removed in the proposed Whistleblower Protection law *[see current Employee Protection Policy, 2 O.C. 211.5-2(a)]*.

H. ***Requirements for Protection:*** To be protected from retaliation under this law, the employee must have made a whistleblower disclosure and provide proof of the disclosure in the form of the incident number provided by the Fraud Hotline or Internal Audit. In addition, the individual who retaliated against the whistleblower must have been aware the whistleblower disclosed information. Finally, the action taken against the whistleblower must be retaliatory as a result of the disclosure *[see 211.5-2]*.

I. ***Punishment for Retaliation.*** Individuals who retaliate against employees of the Nation in violation of this law will be subject to the following consequences *[see 211.5-3]*.

- *Employees of the Nation.* Employees who retaliate against another employee for making a whistleblower disclosure will be subject to disciplinary action, up to and including termination, in accordance with the Personnel Policies and Procedures.
- *Appointed officials.* May have their appointment terminated, in accordance with the Nation's Boards, Committees and Commissions Law, or may receive sanctions and penalties in accordance with the Nation's laws.
- *Elected officials*. May be subject to removal from office in accordance with the Nation's Removal Law. Elected officials may also be subject to sanctions and penalties in accordance with the Nation's laws.

SECTION 6. EFFECT ON EXISTING LEGISLATION

A. ***Employee Protection Policy.*** This law repeals the current Employee Protection Policy and replaces it with a new Whistleblower Protection Law.

B. ***References to Other Laws.*** The following laws of the Nation are referenced in this law. This law does not conflict with any of the referenced laws.

- *Personnel Policies and Procedure.* Reference to the Nation's grievance procedure *[see 211.5-1]* and disciplinary process *[see 211.5-3(a)]* in the Personnel Policies and Procedures.
- *Boards, Committees and Commissions Law.* Reference to the termination of appointed officials in the Boards, Committees and Commissions Law *[see 211.5-3(d)]*.
- *Removal Law.* Reference to the removal process for elected officials in the Removal Law *[see 211.5-3(c)]*.

SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS

A. ***Elimination of "Protected Status" and Ability to Skip a Step in the Complaint and Grievance Process.*** Under the current Employee Protection Policy, employees can receive a formal "protected status" upon making their disclosure to one of the five appropriate agencies. Once an employee is granted protected status, it allows the employee to skip a step in the complaint and grievance process and go directly to the Personnel Commission or their Division Director if they are retaliated against *[see current Employee Protection Policy, 2 O.C. 211.5-2]*. The proposed Whistleblower Protection Law eliminates this formal "protected status" and the right to skip a step in the complaint and grievance process. If an employee is retaliated against, they must file a complaint or grievance using the standard complaint and grievance process in the Personnel Policies and Procedures. At the time this analysis was developed, the LOC determined that the process in the Personnel Policies and Procedures is sufficient for whistleblower protection.

B. ***Elimination of Protective Orders to Human Resources Department.*** Under the current Employee Protection Policy, a protected employee who has been retaliated against may request a "protective order" from the Personnel Commission. This protective order directs the Human Resources Department to monitor the actions of that employee's supervisor. Under the proposed Whistleblower Protection Law, employees will no longer be able to request protective orders from the Personnel Commission. If an employee is retaliated against, they must file a complaint or grievance using the standard complaint and grievance process in the Personnel Policies and Procedures. At the time this analysis was developed, the LOC determined the process in the Personnel Policies and Procedures is sufficient for whistleblower protection.

C. ***Impact on Boards, Committees, Commissions and Entities.*** Under the proposed Whistleblower Protection Law, the following entities listed in the Employee Protection Policy will no longer be responsible for receiving employee protection or whistleblower disclosures: Personnel Commission, Gaming Commission, School Board, and Police Commission. All whistleblower disclosures under this law will now be reported to the Fraud Hotline or Internal Audit department, which will investigate disclosures and forward findings to relevant entities for further action, if needed.

SECTION 9. OTHER CONSIDERATIONS

The following is provided for information:

A. ***Data on Employee Protection Requests from Personnel Commission.*** The following information shows how often the current Employee Protection Policy has been used by employees in recent years. Note that as of June 2018, the Oneida Nation employed approximately 2,880 people *[Source: HRD 3rd Quarter Report]*.

- **Number of Disclosures.** Chart 4 depicts the number of employee protection disclosures made by employees to the Personnel Commission (OPC). In other words, the number of times employees disclosed information to the Personnel Commission and requested employee protection.

Chart 4. Number of Employee Protection Disclosures Submitted to Personnel Commission

YEAR	Number of Employee Protection Disclosures
2012	2
2013	1
2014	3
2015	0
2016	1
2017	4
2018 (January-April)	1
TOTAL, 2012-2018	**12**

- *SOURCE: Personnel Commission, communication with staff via email 9/17/2018*

- **Number of Employees Granted Protection.** Of the twelve (12) requests for Employee Protection between 2012-2018, two (2) employees were granted employee protection. In addition, two (2) additional employees were granted "interim protection" at the time the OPC was dissolved in April 2018. "Interim protection" was granted during the Personnel Commission's initial investigation.

B. ***Data on Employee Protection Requests from Other Entities.***

- **Internal Audit Department** estimates the department received a total of two or three requests for Employee Protection from employees of the Nation over the last five years. *[Source: Internal Audit staff.]*
- **Oneida Nation School Board** reports they have not received any Employee Protection requests from School System employees in recent years. *[Source: Oneida Nation School Board, communication with staff via email 10/9/18.]*
- **Oneida Police Commission** reports they received one (1) request for Employee Protection over the last two years. *[Source: Oneida Police Commission, communication with staff via email 10/31/18.]*
- **Oneida Gaming Commission** reports they have no record of receiving any Employee Protection requests in the last five years. It was reported that Gaming employees likely submitted their requests to the Personnel Commission. *[Source: Oneida Gaming Commission, communication with staff via email 10/31/18.]*
- **Oneida Judiciary.** As of January 31, 2019, the Oneida Judiciary reports that there are no active Employee Protection Policy cases pending in the Judiciary Trial Court. *[Source: Oneida Judiciary, communication with staff via email 1/31/19].*

C. ***Data on Retaliation and Protective Orders from Personnel Commission.***

- **Number of Retaliation Grievances Filed by Employees with Protected Status.** One (1) retaliation grievance was filed by a protected employee between 2012 and April 2018. This means that of the employees who requested and received employee protection, only one employee later alleged they were retaliated against. *[Source: Personnel Commission, communication with staff via email 9/17/2018].*
- **Number of Protective Orders issued by Personnel Commission.** Two (2) protective orders were issued by the Personnel Commission between 2012 and April 2018. An employee may request a protective order if they have made a disclosure, have been granted protection, and later have been found to be retaliated against. A protective order directs the Nation's Human Resources Department to monitor the actions of the employee's supervisor. *[Source: Personnel Commission, communication with staff via email 9/17/2018].*

D. ***Grandfather Clause for Current Protected Employees.*** Based on data received from the Judiciary and Personnel Commission, there are a small number of employees who currently have protected status under the Employee Protection Policy. Therefore, the LOC intends to include a grandfather clause in the adopting resolution to ensure the following:

- Any individual who has been granted protected status under the Employee Protection Policy shall maintain his or her protected status, but shall use the provisions found in section 211.5 of the Whistleblower Protection law for protection from retaliation *[see adopting resolution]*.

E. ***Comparison Between Employee Protection Policy and Whistleblower Policy.*** This law repeals and replaces the Employee Protection Policy with a new Whistleblower Protection Law. Chart 5 illustrates some of the differences and similarities between the two laws:

Chart 5. Comparison Between Employee Protection Policy and Whistleblower Policy.

	Employee Protection Policy (Current)	**Whistleblower Protection Law (Proposed)**
Defines and prohibits retaliation?	Yes.	Yes.
Directs employees where and how to make their disclosures?	Yes, employees are directed to make their disclosures to one of several appropriate agencies.	Yes, employees are directed to make disclosures using the anonymous Fraud Hotline or to Internal Audit
Allows employees to report anonymously?	No, employees must disclose their identity in their written complaint.	Yes, employees can choose to remain anonymous using the Fraud Hotline.
Provides employees with documentation (proof) that they made a disclosure?	Yes, employees receive a signed and dated receipt.	Yes, employees will receive an incident number from the hotline or Internal Audit.
Employees may be granted a formal "protected status" from the agency after submitting their disclosure?	Yes, employees may be granted formal "protected status" from an agency.	No, employees do not receive a formal designation of "protected status" from the agency.
Allows protected employees to skip a step in the complaint and grievance process if they are retaliated against?	Yes, employees who have been granted protection may appeal directly to the Personnel Commission or Division Director if they feel they have been retaliated against.	No, if an employee feels they have been retaliated against, they must use the normal complaint and grievance process in the Personnel Policies and Procedures.
Employees who have been retaliated against can request a "protective order" from the Personnel Commission?	Yes, employees who have been granted protection and are later retaliated against may request a "protective order" directing HRD to monitor the actions of their supervisor.	No, employees cannot request a "protective order." Employees will need to use the normal grievance process in the Personnel Policies and Procedures if they are retaliated against.

F. ***Comparison to other Tribal Nations.*** A review of whistleblower protection laws from other tribal nations indicates whistleblower laws are generally brief, one to two page documents that include a few basic provisions. Some laws, such as those from the Ho Chunk Nation and Seminole Nation, are only one paragraph long. The Whistleblower laws reviewed typically include the following core components:

- Ban on retaliation against employees for whistleblowing.
- Direct employees where to make whistleblower disclosures. (For example: Attorney General, Human Resources Department, Office of Inspector General).
- In addition, some whistleblower laws describe remedies for employees that have been retaliated against, such as job reinstatement, back pay for lost wages, and damages.
    - Oneida's proposed Whistleblower Law directs employees to use the grievance process in the Personnel Policies and Procedures, which allows the Area Manager or Personnel Commission to overturn disciplinary actions, reinstate employees who have been terminated, and award back pay.

G. ***Fraud Hotline.*** The anonymous Fraud Hotline is administered by a third-party vendor (Lighthouse Services) and is available 24 hours per day, seven days per week. The purpose of the hotline is to provide a centralized, anonymous way to report issues of fraud, unlawful, unethical and other types of improper behavior.

- **Hotline Process.** A report of the call is generated by the third-party vendor, who sends the report to Internal Audit. Internal Audit reviews all hotline reports and determines whether an investigation is needed. If necessary, Internal Audit will conduct a confidential investigation. Once Internal Audit's investigation is complete, they report their findings to the appropriate entity for further action, if necessary. For example, the findings could be reported to the Oneida Business Committee, Oneida Law Office, Human Resources Department, Oneida Police Department or other law enforcement agency, the Audit Committee, or any other entity of the Nation.
- **Hotline Implementation.** The Fraud Hotline became effective on December 1, 2018. Training was provided to employees of the Nation between November 19 – 30, 2018. In addition, Internal Audit reports that refresher trainings will be offered in the future.

H. ***Whistleblower Law in Absence of Hotline.*** This law has been drafted so that if the Fraud Hotline is ever eliminated in the future, the Whistleblower Protection Law and the protections it provides will still function. For example, if the hotline is unavailable, employees will still be able to submit disclosures directly to Internal Audit in writing.

I. ***Reference to Sanctions and Penalties.*** This law references sanctions and penalties. The LOC is currently drafting a Sanctions and Penalties Law to increase accountability among elected and appointed officials of the Nation. Currently, the only reprimand available for appointed and elected officials is termination of appointment or removal from office. However, there may be instances of misconduct that do not rise to the level of removal. In these cases, other sanctions such as verbal warnings, written warnings, suspension or fines may be more appropriate. The proposed Sanctions and Penalties law will create a formal complaint process and allow for corrective actions against officials who violate laws, bylaws and SOPs of the Nation. At the time this analysis was drafted, the LOC intends to present a Sanctions and Penalties Law to GTC for consideration in the near future.

J. **Fiscal Impact**. Please refer to the fiscal impact statement for any fiscal impacts.

- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation *[see Legislative Procedures Act 1 O.C. 109.6-1]*.
- A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating Committee and may be prepared by any agency who may receive funding if the legislation is enacted; who may administer a program if the legislation is enacted; who may have financial information concerning the subject matter of the legislation; or by the Finance Office, upon request of the Legislative Operating Committee *[see Legislative Procedures Act 1 O.C. 109.6-1(a&b)]*.

Title 2. Employment – Chapter 211
WHISTLEBLOWER PROTECTION

Ashakotiyá·tanunhe? Lotiyó·tʌhse? Aolihwá·ke

They will watch over them they the workers on this issue

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-__-__-__-__

III. Financial Impact

Year one startup costs are sunk cost. Expenditures were approximately $16,425 for the first year of operations and include the contract for the hot line, training, and e-learning design. If the contract for the hot line remains the same, the total costs over the next 10 years is approximately $47,250.

IV. Recommendation

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 the Oneida Business Committee and General Tribal Council has the information with which to render a decision.

Oneida Business Committee Agenda Request

Determine next steps regarding three (3) vacancies with terms ending December 31, 2022 - Oneida N

1. Meeting Date Requested: 02 / 12 / 19

2. General Information:

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

Agenda Header: Appointments

☐ Accept as Information only

☒ Action - please describe:

Determine next steps regarding one (1) vacancy term ending December 31, 2022, on the Oneida Nation Veterans Affairs Committee

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: Lisa Summers, Secretary

Primary Requestor/Submitter: Lee Cornelius BCC Recording Clerk
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:

Three (3) vacancies was posted for the Oneida Nation Veterans Affairs Committee to complete terms ending December 31, 2022.

The application deadline was January 25, 2019 and three (3) applications were received for the following applicants:

Michael L. Hill
James Martin
George Greendeer

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 Business Committee Agenda Request

Determine next steps regarding one (1) vacancy with term ending February 28, 2020, and three (3) va

1. Meeting Date Requested: 02 / 12 / 19

2. General Information:

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

Agenda Header: Appointments

☐ Accept as Information only

☒ Action - please describe:

Determine next steps regarding one (1) vacancy for term ending February 28, 2020, and three (3) vacancies for terms ending February 28, 2022 - Oneida Pow-wow Committee

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: Lisa Summers, Secretary

Primary Requestor/Submitter: Lee Cornelius BCC Recording Clerk
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:

Four (4) vacancies was posted for the Oneida Pow Wow Committee, One to complete terms ending February 28, 2020 and three (3) term ending February 28, 2022.

The application deadline was January 25, 2019 and nine (9) applications were received for the following applicants:

Tina Skenandore
Worden Webster
Floyd W. Silas Sr.
Floyd W. Silas Jr.
Vicki Cornelius
Teresa Schuman
Sonny Nacotee
Alva Fiddler
Yasiman Metoxen

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Oneida Business Committee Agenda Request

Determine next steps regarding three (3) vacancies with terms ending February 28, 2022 - Southeaste

1. Meeting Date Requested: 02 / 12 / 19

2. General Information:

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

Agenda Header: Appointments

☐ Accept as Information only

☒ Action - please describe:

Determine next steps regarding three (3) vacancies for terms ending February 28, 2022 - Southeastern Oneida Tribal Services Advisory Board

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: Lisa Summers, Secretary

Primary Requestor/Submitter: Lee Cornelius BCC Recording Clerk
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:

Three (3) vacancies was posted for the Southeastern Wisconsin Oneida Tribal Services Advisory Board, three to complete terms ending February 28, 2022.

The application deadline was January 25, 2019 and three (3) applications were received for the following applicants:

Aurthur Elm III
Michael Coleman
Tracie Sparks

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

Approve the Febuary 4, 2019 Regular Finance Committee Meeting minutes

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 12 / 19

2. General Information:

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

Agenda Header: Standing Committees

☐ Accept as Information only

☒ Action - please describe:

BC approval of Finance Committee Meeting Minutes of Feb. 4, 2019

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1. FC E-Poll approving 2/4/19 Minutes
2. FC Mtg Minutes of 2/4/19
3.
4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Tribal Treasurer

Primary Requestor: Denise Vigue, Executive Assistant to the CFO /Finance Administration
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:

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

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

MEMORANDUM

TO: Finance Committee

CC: Business Committee

FR: Denise Vigue, Executive Assistant

DT: Feb. 5, 2019

RE: E-Poll Results of: FC Meeting Minutes of February 4, 2019

An E-Poll vote of the Finance Committee was conducted to approve the 2/4/19 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 4 YES votes from Patrick Stensloff, Jennifer Webster, Larry Barton, and Daniel Guzman King to approve the February 4, 2019 Finance Committee Meeting Minutes.

The minutes will be placed on the next Business Committee agenda of 2/13/19 for approval and placed on the next Finance Committee agenda of 2/18/19 to ratify this E-Poll action.

Per the Finance Committee By-Laws Article III-Meetings; Sect: 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum. & Sect: 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.

Finance Administration Office
Phone: 920- 869-4325
FAO@oneidanation.org

FINANCE COMMITTEE

FC REGULAR MEETING
Feb. 4, 2019 ▪ Time: 9:00 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES -*DRAFT*

FC REGULAR MEETING:

Patricia King, Treasurer/FC Chair
Jennifer Webster, BC Council Member
Chad Fuss, AGGM-Finance (Gam. Alt.)
Larry Barton, CFO/FC Vice-Chair
Daniel Guzman King, BC Council Member
Patrick Stensloff, Purchasing Director

EXCUSED: Shirley Barber, FC Elder Member

OTHERS PRESENT: Kevin Rentmeester, Mark Engel, Andrew Doxtator, Cherie Elm, Timothy D. Ninham, and Denise J. Vigue taking Minutes

I. CALL TO ORDER: The Regular FC Meeting was called to order by the FC Chair at 9:00 A.M.

II. APPROVAL OF AGENDA: FEBRUARY 4, 2019

Motion by Jennifer Webster to approve the Finance Committee Meeting Agenda of Feb. 4, 2019 with one ADD On under Follow Up. Seconded by Patrick Stensloff. Motion carried unanimously.

III. APPROVAL OF MINUTES: JANUARY 14, 2019 (Approved via E-Poll on 1/14/19):

Motion by Larry Barton to ratify the FC E-Poll action taken on 1/14/19 approving the 1/14/19 Finance Committee Meeting Minutes. Seconded by Jennifer Webster. Motion carried unanimously.

IV. TABLED BUSINESS: None

V. CAPITAL EXPENDITURES:

1. **Michels Power – ONES Generator Replacement** Amount: $51,997.
   Jacque Boyle, DPW Operation – Facilities

Replacement of the Turtle School Generator; item sent out for bids; DPW has a maintenance contract to upkeep all generators in all buildings; this is BIE funded. SAM.Gov information not in file, will need to submit that to the Finance Office.

Motion by Larry Barton to approve the Capital Expenditure with Michels Power for the ONES Generator Replacement in the amount of $51,997.00. Seconded by Jennifer Webster. Motion carried unanimously.

- **Daniel Guzman King arrived at 9:05 A.M.**

2. **Unbudgeted: Direct Fitness Solutions** Amount: $39,999.85
   Susan House, Fitness Center

The CFO explained the membership fee has been waived for employees and elders; membership has tripled causing more use on equipment; funding coming from the SFHI savings; old equipment still usable and will be dispersed to several other areas of the Nation for employee use in

conjunction with the Nation's wellness initiatives and HRA requirements for those that need points. Discussion of unbudgeted items coming to the FC; would be for information only.

Motion by Jennifer Webster to accept as information only the Direct Fitness Solutions unbudgeted purchase utilizing funds from the Self-Funded Health Insurance savings. Seconded by Patrick Stensloff. Larry Barton abstained. Motion carried.

3. Data Financial – 3 NRT QuickJack V4 Dispensing Units Amount: $130,640.
Andrew Doxtator, Gaming Cage/Vault

Lifecycle replacement of older dispensing units; too much upkeep/maintenance of older units; part of systematic planning throughout gaming.

Motion by Larry Barton to approve the Capital Expenditure with Data Financial for 3 NRT QuickJack V4 Dispensing Units in the amount of $130,640.00. Seconded by Jennifer Webster. Motion carried unanimously.

VI. COMMUNITY FUND:

REPORT(S):

1. Community Fund Update – Rescind & Approve
Denise J. Vigue, Finance

Motion by Chad Fuss to amend the original action taken on 1/2/19 approving a Community Fund Request to NWTC for Homeschool Art Program fees in the amount of $142.00 and approve the original requested amount of $237.60. Seconded by Larry Barton. Motion carried unanimously.

2. Community Fund Report for February 2019
Denise J. Vigue, Finance

Motion by Jennifer Webster to approve the February 2019 Community Fund report. Seconded by Chad Fuss. Motion carried unanimously.

REQUESTS:

1. Freedom AA Softball Registration Fees Amount: $60.
Requestor: Cindy John for daughter, Naleyah

Motion by Larry Barton to approve from the Community Fund the Freedom AA Softball Registration Fees for the three daughters of the requestor in the amounts of $60.00; $60.00; and $45.00. Seconded by Patrick Stensloff. Motion carried unanimously.

2. Freedom AA Softball Registration Fees Amount: $60.
Requestor: Cindy John for daughter, Jaydah

- See Action taken in CF Request #1.

3. Freedom AA Softball Registration Fees Amount: $45.
Requestor: Cindy John for daughter, Mylah

- See Action taken in CF Request #1.

4. Golf Tournament Entry/Registration Fees Amount: $500.
Requestor: Shoney Skenandore for son, Jamozzy

Motion by Larry Barton to approve from the Community Fund the youth Golf Tournament Registration Fees for the son and daughter of the requestor in the amount of $500.00 each contingent upon receipt of information that there is no cash payouts. Seconded by Patrick Stensloff. Motion carried unanimously.

5. Golf Tournament Entry/Registration Fees Amount: $500.
Requestor: Shoney Skenandore for daughter, Skye
- See Action taken in CF Request #4.

6. Green Bay Select Volleyball Club Fees Amount: $500.
Requestor: Tina Moore for daughter, Hailey
Motion by Jennifer Webster to approve from the Community Fund the Green Bay Select Volleyball Club fees for the daughter of the requestor in the amount of $500.00. Seconded by Patrick Stensloff. Motion carried unanimously.

7. Green Bay Elite Cheer Fees Amount: $500.
Requestor: Tina Moore for daughter, Ella
Motion by Chad Fuss to approve from the Community Fund the Green Bay Elite Cheer fees for the daughter of the requestor in the amount of $500.00. Seconded by Larry Barton. Motion carried unanimously.

8. Guitar Lessons Amount: $122.40
Requestor: Rebecca Schommer for son, Joshua
Motion by Jennifer Webster to approve from the Community Fund the fees for guitar lessons for the son of the requestor in the amount of $122.40. Seconded by Chad Fuss. Motion carried unanimously.

9. Oneida Falling Leaves 4-H Club-Youth Educ. Ctr. Amount: $700.
Requestor: Bill Ver Voort for the 4-H Club
Motion by Larry Barton to approve from the Community Fund the Oneida Falling Leaves 4-H Club's request in the amount of $700.00. Seconded by Jennifer Webster. Motion carried unanimously.

10. WorksomeMore Basketball Fees Amount: $450.
Requestor: Vanessa Miller for son, Javon
Motion by Larry Barton to approve from the Community Fund the WorksomeMore Basketball fees for the son of the requestor in the amount of $450.00. Seconded by Patrick Stensloff. Motion carried unanimously.

11. GymAct Gymnastics Fees Amount: $500.
Requestor: Vashi Cornelius for daughter, Valencia
Motion by Jennifer Webster to approve from the Community Fund the GymAct Gymnastics fees for the daughter of the requestor in the amount of $500.00. Seconded by Larry Barton. Motion carried unanimously.

12. Harmony School of Creative Arts-Dance Class Fees Amount: $500.
Requestor: Vashi Cornelius for daughter, Armonie
Motion by Jennifer Webster to approve from the Community Fund the Harmony School of Creative Arts dance class fees for the daughter of the requestor in the amount of $500.00. Seconded by Patrick Stensloff. Motion carried unanimously.

13. YMCA of Highland Lakes -Gymnastics Fees Amount: $500.
Requestor: Vashi Cornelius for daughter, Dahlia

Motion by Larry Barton to approve from the Community Fund the YMCA of Highland Lakes Gymnastics class fees for the daughter of the requestor in the amount of $500.00. Seconded by Patrick Stensloff. Motion carried unanimously.

14. 1848 Basketball Registration Fees Amount: $500.
Requestor: Lisa Raushenbach for son, Miles

Motion by Chad Fuss to approve from the Community Fund the 1848 Basketball registration fees for the son of the requestor in the amount of $500.00. Seconded by Jennifer Webster. Motion carried unanimously.

15. YMCA Sports class(es) Fees Amount: $78.
Requestor: Constance Danforth for son, Niles

Motion by Jennifer Webster to approve from the Community Fund this and the follow two requests for the son and daughters of the requestor in the amounts of $78.00; $72.00; and $72.00. Seconded by Chad Fuss. Motion carried unanimously.

16. YMCA Dance & Gymnastics class(es) Fees Amount: $72.
Requestor: Constance Danforth for daughter, Lenna

- See Action taken in CF Request #15.

17. YMCA Dance & Gymnastics class(es) Fees Amount: $72.
Requestor: Constance Danforth for daughter, Taneal

- See Action taken in CF Request #15.

18. Green Bay Purple Aces Basketball Fees Amount: $500.
Requestor: Timothy Ninham for daughter, Imani

Requestor present to explain the personal fulfillment and health benefits for his daughter by taking part in team sports activities; the family sponsors fundraisers to bring epilepsy awareness to the community; FC congratulated him and his daughter and recommended he contact Joint Marketing for raffle items he could use at the fundraisers.

Motion by Larry Barton to approve from the Community Fund the Green Bay Purple Aces Basketball fees for the daughter of the requestor in the amount of $500.00. Seconded by Chad Fuss. Motion carried unanimously.

19. WI Wrestling Federation Team Fees Amount: $500.
Requestor: Elroy King II for daughter, Destiny

Motion by Larry Barton to approve from the Community Fund the Wisconsin Wrestling Federation team fees for the daughter of the requestor in the amount of $500.00. Seconded by Chad Fuss. Motion carried unanimously.

20. H.S. Music Class Trip Fees Amount: $500.
Requestor: Mike Habeck for daughter, Breanna

Motion by Jennifer Webster to approve from the Community Fund the Pulaski High School Music class trip fees for the daughter of the requestor in the amount of $500.00. Seconded by Larry Barton. Motion carried unanimously.

21. Great Mother Conference Registration Amount: $500.
Requestor: Cherie Elm for son, Quincy

Requestor was present and explained this is a yearly event that she and her boys take together, and she has noticed positive changes in the family dynamic and more creativity with the boys; this is an enrichment experience for her whole family.

Motion by Larry Barton to approve from the Community Fund the Great Mother Conference Registration fees for the requestor and her two sons in the amount of $500.00 each. Seconded by Daniel Guzman King. Motion carried unanimously.

22. Great Mother Conference Registration Amount: $500.
Requestor: Cherie Elm for son, Quanah
- See Action taken in CF Request #21.

23. Great Mother Conference Registration Amount: $500.
Requestor: Cherie Elm
- See Action taken in CF Request #21.

VII. NEW BUSINESS:

1. Professional Bull Riders LLC Amount: $50,000.
Louise Cornelius, Gaming Administration

Chad Fuss explained this is a joint venture being put forth by Gaming, but costs will be shared via an intertribal billing with Retail and the Radisson; details of the contract were discussed. Initially cost was substantially more and involved several tribal nations; it was noted there is no legal review in the request packet, no cost benefit analysis (ROI), and no written approval from the Gaming GM.

Motion by Jennifer Webster to approve the Professional Bull Riders LLC contract in the amount of $50,000.00 contingent upon receiving from Retail, Gaming and the Radisson the ROI expected and then after the event the actual measured ROI as well as the legal review. Seconded by Daniel Guzman King. Larry Barton abstained. Motion carried.

VIII. EXECUTIVE SESSION: None

IX. FOLLOW UP:

1. ADD ON: Creation of the Oneida Nation School System Endowment in Accordance with the Endowments Law
Patricia King, Treasurer

The Treasurer noted this was discussed in the FC work meeting and there was a public hearing, this is the current version that is complete apart from the dollar amount (lines 136-137) as that will need to be added by the CFO on the date the BC is to review; asking the FC to approve sending this to the BC for adoption.

Motion by Jennifer Webster to approve the creation of the Oneida Nation School System Endowment in Accordance with the Endowments Law and forward to the next BC agenda for adoption noting that the CFO will provide the dollar amount to the BC when they meet. Seconded by Chad Fuss. Motion carried unanimously.

X. FOR INFORMATION ONLY:

1. Government to Government Service Agreement -Outagamie County
Patricia King, Treasurer

Motion by Jennifer Webster to accept this item and the following three items as information only. Seconded by Patrick Stensloff. Motion carried unanimously.

2. Bally (4) Slot Lease Games
David Emerson, Gaming – Slots
- See Action taken in FIO Request #1.

3. Bally (2) Slot Lease Games
David Emerson, Gaming – Slots
- See Action taken in FIO Request #1.

4. Bally – Slot Lease Games Contract Amendment
David Emerson, Gaming – Slots
- See Action taken in FIO Request #1.

XI. ADJOURN: Motion by Chad Fuss to adjourn. Seconded by Daniel Guzman King. Motion carried unanimously. Time: 10:08 A.M.

Minutes transcribed by:
Denise Vigue, Executive Assistant to the CFO
& Finance Committee Contact/Recording Secretary

Finance Committee-E-Poll Minutes Approval Date: February 5, 2019

Oneida Business Committee's FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

Post one (1) vacancy - Oneida Election Board

1. Meeting Date Requested: 2 / 12 / 19

2. General Information:

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

Agenda Header: New Business

☐ Accept as Information only

☒ Action - please describe:

Post one (1) vacancy for the Oneida Election Board.

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: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
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:

There is a vacancy on the Oneida Election Board due to the resignation of Patricia Lassila.

According to the Election Law:

102.4-5. Vacancies. Any vacancy in an unexpired term shall be filled by appointment by the Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

Action requested: Approve request to post one (1) vacancy for the Oneida Election Board.

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 Business Committee Agenda Request

1. Meeting Date Requested: 02 / 12 / 19

2. General Information:

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

Agenda Header: New Business

☐ Accept as Information only

☒ Action - please describe:

Repost seven (7) vacancies for the Oneida Nation Arts Board.

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: Lisa Summers, Secretary

Primary Requestor/Submitter: Lee Cornelius, BCC Recording Clerk
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:

We posted the seven (7) vacancies in the beginning of January with a deadline of January 25, 2019. Zero (0) applications were turned in.

Action requested: Approve request to repost seven (7) vacancies for the Oneida Nation Arts Board.

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