



COVID-19 Core Decision Making Team Declaration
Authorizing the Use of Furloughs and
Amending the Nationwide Tier 5 Emergency Declaration Layoff
April 3, 2020

The world is currently facing a pandemic of the coronavirus disease 2019 (*COVID-19*). The *COVID-19* outbreak originated in Wuhan, China and has spread to many other countries throughout the world, including the United States. The World Health Organization has identified that the spread of *COVID-19* is now a pandemic resulting in many countries experiencing the effects of illness and health issues related to *COVID-19* and economic impacts.

On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding *COVID-19* which set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a *COVID-19 Core Decision Making Team (COVID-19 Team)*. [3 O.C. 302.10]. When a public health emergency has been declared, the *COVID-19 Team* has the authority to declare exceptions to the Nation’s laws, policies, procedures, regulations, or standard operating procedures during the emergency period which will be of immediate impact for the purposes of protecting the health safety, and general welfare of the Nation’s community, members, and employees. [3 O.C. 302.10-2].

The Oneida Business Committee adopted resolution # BC-03-25-2020-A, *Extension of March 12th Declaration of Public Health Emergency*, which extended the emergency period to May 12, 2020 at 11:59 p.m. This extends the enforcement of all Declarations issued by the *COVID-19 Team*.

During this Public Health Emergency declaration, the *COVID-19 Team* and the Finance *COVID-19 Team (Finance Team)* created by the Treasurer have monitored closely the financial soundness of the Nation and the ability to make payroll, manage governmental services, and pay expenses. The Nation has limited ‘cash’ resources available. Further, any action taken to liquidate investments can result on a loss on those investments given the current financial and economic status of the United States and the world, we would have paid far more for those investments than we would receive on liquidation. Our long-term financial survival depends on managing those investments very carefully.

The *COVID-19 Team* adopted Declaration: *Adoption of Standard Operating Procedure: Nationwide Tier 5 Emergency Declaration Layoff*, EEO Reference #3285, on March 26, 2020. This emergency declaration was necessary to allow the Nation’s operations (governmental and enterprise) to properly address employment levels while reducing expenses impacting available cash resources for essential governmental services. The direct reports to the Oneida Business Committee were requested to develop Tier V budget contingency plans to prepare for implementation should that be required. The Oneida Business Committee will take up consideration of adopting a Tier V budget contingency at its April 8, 2020 meeting.

As a part of developing the Tier V contingency plans, supervisors have identified that having the ability to furlough an employee will give them the opportunity to recall employees on an as-needed basis; reduce procedural actions by the Human Resources Department and MIS; reduce demand on cash resources; and, allow employees to remain eligible for unemployment compensation.

Recognizing that business-as-usual will not be the same during the pandemic and will not return after the pandemic, furloughs provide a solution for tailoring business needs and needs of the employee in meeting family financial needs. The COVID-19 Team, having taken these issues in consideration, believes that this will best serve the Nation in moving forward through the public health emergency.

The COVID-19 Core Decision Making Team hereby declares:

1. Chapter 205, Furlough Policy and its related Standard Operating Procedure: *Furlough SOP*, EEO Reference # 2500, are hereby suspended during the public health emergency.
2. The Standard Operating Procedure: *Nationwide Tier 5 Emergency Declaration Layoff*, EEO Reference #3285, is hereby amended by adding the following sections.

- 2.7 Furlough: Work force reductions where an employee's hours are reduced all, in part, intermittent or any reduction to hours other than the employee's regular schedule.

Furlough

- 3.23 A supervisor may place an employee on furlough.
- 3.24 A furlough is initiated as a 26-week period that may be amended or shortened but shall not be extended or renewed for any reason.
 - 3.24.1 The total cumulative furlough period for any employee shall not be greater than 26 weeks. (e.g. A supervisor cannot place an employee on furlough, then call the employee back to full-time work for a short time, and then place the employee on furlough for another 26-week period.)
 - 3.24.2 A supervisor may rescind an employee's furlough according to the requirements of 3.26.1 but shall not place the employee on furlough or layoff after a rescission.
- 3.25 An employee placed on furlough does not receive benefits, accumulate personal or vacation time, and cannot take personal or vacation time.
- 3.26 At the conclusion of the furlough period, the supervisor shall take one of two actions set forth in the following subsections.
 - 3.26.1 *Rescind Furlough*. Five business days prior to either the end date of the initial furlough period or the end date of a shortened furlough period, a supervisor shall submit a notice to HRD and the employee which rescinds the furlough. The employee is returned to their prior employment status after the last date of the furlough period; or
 - 3.26.2 *Complete Furlough*. Five business days prior to the ending date of the initial furlough period, a supervisor shall submit a notice to HRD and the employee to complete the furlough. A completed furlough results in separation from employment.

Coordination of Layoff and Furlough

- 3.27 In order to ensure equal treatment of employees, each department shall choose either layoff or furlough for all employees in the department.
- 3.28 When added together, the total time an employee spends in either furlough or layoff status shall not exceed 26 weeks for the duration of the emergency declaration.

This Declaration is effective immediately upon adoption.



Oneida Nation Chairman