

**ONEIDA NATION**  
**PUBLIC COMMENT PERIOD NOTICE**  
*Due to the COVID-19 Public Health Emergency*  
*Only Written Comments Will Be Accepted Until:*  
**WEDNESDAY January 13, 2021**

Find Public Meeting Materials at  
[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)



Send Public Comments to  
[LOC@oneidanation.org](mailto:LOC@oneidanation.org)  
Ask Questions here  
[LOC@oneidanation.org](mailto:LOC@oneidanation.org)

## **COMMUNITY SUPPORT FUND LAW AMENDMENTS**

The purpose of this law is to assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist.

### **The Community Support Fund law amendments will:**

1. Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents;
2. Remove the requirement that funeral travel expenses is only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides;
3. Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application; and
4. Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days.

For more proposed amendments to the Community Support Fund law please review the public comment packet at [Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings).

## **PUBLIC COMMENT PERIOD CLOSSES WEDNESDAY, JANUARY 13, 2021**

The Nation's COVID-19 Team issued a declaration on March 27, 2020, titled "*Suspension of Public Meetings under the Legislative Procedures Act.*" This declaration provides that the Legislative Procedures Act's requirement to hold a public meeting during the public comment period is suspended due to the COVID-19 public health emergency. Although there will be no public meeting, the public comment period will still occur, and individuals can participate in the legislative process by submitting written comments, questions, or other input via e-mail to [LOC@oneidanation.org](mailto:LOC@oneidanation.org).



## AMENDMENTS TO THE COMMUNITY SUPPORT FUND LAW LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ Include a definition for Fund Operator, which is the Economic Support Services Department, or other area within the Governmental Services Division designated authority over the operation of the Fund;</li> <li>▪ Revise the definition of “immediate family” to better reflect Oneida families;</li> <li>▪ Include a definition for a public health emergency;</li> <li>▪ Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund;</li> <li>▪ Clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months;</li> <li>▪ Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents;</li> <li>▪ Remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future;</li> <li>▪ Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund;</li> <li>▪ Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides;</li> <li>▪ Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund;</li> <li>▪ Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application;</li> <li>▪ Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days; and</li> <li>▪ Adjust the appeal process to reflect reorganization of the Governmental Services Division.</li> </ul>
<b>Purpose</b>	To assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. <i>[1 O.C. 125.1-1]</i> .
<b>Affected Entities</b>	Economic Support Services Department
<b>Public Meeting</b>	A public comment period will be held open until January 13, 2021. A public meeting will not be held in accordance with the Nation’s COVID-19 Core Decision Making Team’s declaration titled, “ <i>Suspension of Public Meetings under the Legislative Procedures Act.</i> ”
<b>Fiscal Impact</b>	A fiscal impact statement has not yet been requested.

## What is the Community Support Fund?

The Community Support Fund is a resource available to members of the Nation which provides financial assistance when a member of the Nation is experiencing a catastrophic event, catastrophic illness or injury, or emergency event. Examples of a catastrophic event, catastrophic illness or injury, or emergency event include:

- |                                      |         |                          |
|--------------------------------------|---------|--------------------------|
| -Death in the immediate family       | -Fire   | -Tornado                 |
| -Major medical surgery               | -Cancer | -Flood                   |
| -Injury from motor vehicle accidents | -Stroke | -Public Health Emergency |

Assistance from the Community Support Fund is only available when there is no other financial assistance available, or all other assistance has been exhausted. The Community Support Fund is funded through tribal contribution and has a budget of approximately \$350,000. The Community Support Fund can be used to assist with the following types of expenses:

- |  |  |  |
|--|--|--|
| -Rent or mortgage                                  | -Utility payments  | -Medical travel                                |
| -Funeral travel                                    | -Prescription reimbursement                                | -Medical bills                                 |
| -Dental related expenses                           | -Optical related expenses                                  | -Inpatient treatment                           |
| -Security deposits                                 | -Automobile repairs for medical travel                     | -Utility disconnections                        |
| -Family Medical Leave Act wage replacement         | -Temporary shelter due to natural disaster                 | -Furnace & water heater repair and replacement |
| -Medical related equipment, supplies, or furniture | -Shelter during a Social Security Disability Determination | -COBRA insurance payments                      |

The Community Support Fund Law Rule Handbook provides more information on how a member of the Nation may qualify for each category of assistance of the Community Support Fund and the maximum amount of assistance provided for each category of assistance. The Community Support Fund Law Rule Handbook can be found online in the Oneida Code of Laws.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A. *Background.*** The Community Support Fund law (“the Law”) was first adopted by the Oneida Business
- 3 Committee on May 15, 1996, for the purpose of assisting the greatest number of members of the Oneida
- 4 Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or
- 5 injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1].
- 6 **B.** The Law was most recently amended by the Oneida Business Committee on January 11, 2017, through
- 7 the adoption of resolution BC-01-11-17-B.
- 8 **C.** On September 2, 2020, the Governmental Services Division Director, on behalf of the Economic
- 9 Support Services Department, submitted a request for the Legislative Operating Committee to consider
- 10 amendments to the Law in an effort to expand the assistance available under the Fund to members of
- 11 the Nation. The Legislative Operating Committee added the Law to its Active Files List on October 7,
- 12 2020.
- 13

## SECTION 3. CONSULTATION AND OUTREACH

- 14 **A.** Representatives from the following departments of the Nation participated in the development of
- 15 amendments to this Law and legislative analysis:
- 16

- 17           ▪ Economic Support Services Department.
- 18 **B.** The following laws were reviewed in the drafting of this analysis:
- 19           ▪ Administrative Rulemaking law; and
- 20           ▪ Rules of Appellate Procedure.
- 21

## 22 **SECTION 4. PROCESS**

- 23 **A.** The amendments to this Law have followed the process set forth in the Legislative Procedures Act.
- 24           ▪ On September 2, 2020, the Governmental Services Division Director, on behalf of the Economic
- 25           Support Services Department, submitted a request for the Legislative Operating Committee to
- 26           consider amendments to the Law.
- 27           ▪ The LOC added the amendments to the Active Files List on October 7, 2020.
- 28           ▪ A draft and legislative analysis for the Law was accepted by the LOC on December 2, 2020.
- 29 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 30 regarding the development of these amendments:
- 31           ▪ October 15, 2020: Work meeting with Economic Support Services Department.
- 32           ▪ October 21, 2020: Work meeting with LOC.
- 33           ▪ October 29, 2020: Work meeting with LOC and Economic Support Services Department.
- 34           ▪ December 2, 2020: Work meeting with LOC.
- 35 **C.** *COVID-19 Pandemic’s Effect on the Legislative Process.* The world is currently facing a pandemic
- 36 of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China
- 37 and has spread to many other countries throughout the world, including the United States. The COVID-
- 38 19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts
- 39 including effects on the stock market and the closing of all non-essential businesses. A public meeting
- 40 for the proposed amendments to this Law will not be held due to the COVID-19 pandemic, but the
- 41 submission of written comments will still be permitted.
- 42           ▪ *Declaration of a Public Health State of Emergency.*
- 43           ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
- 44           *of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State
- 45           of Emergency for the Nation until April 12, 2020, and set into place the necessary authority
- 46           for action to be taken and allows the Nation to seek reimbursement of emergency
- 47           management actions that may result in unexpected expenses.
- 48           ▪ The Public Health State of Emergency has since been extended until January 12, 2020, by
- 49           the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-
- 50           05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-
- 51           08-20-A, BC-11-10-20-A, and BC-12-09-20-D.
- 52           ▪ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*
- 53           ▪ On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer*
- 54           *at Home*” declaration which ordered all individuals present within the Oneida Reservation
- 55           to stay at home or at their place of residence, with certain exceptions allowed. This
- 56           declaration prohibited all public gatherings of any number of people.
- 57           ▪ On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer*
- 58           *at Home*” declaration which allowed for gaming and golf operations to resume.
- 59           ▪ On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home*
- 60           *Declaration, Amendment, Open for Business*” which directs that individuals within the

61 Oneida Reservation should continue to stay at home, businesses can re-open under certain  
62 safer business practices, and social distancing should be practiced by all persons.

- 63 ■ On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at*  
64 *Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration,*  
65 *Amendment, Open for Business*” while still providing guidance and some restrictions. This  
66 declaration prohibits all public and private gatherings of more than twenty (20) people that  
67 are not part of a single household or living unit.
- 68 ■ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”  
69 which sets minimum standards for the safe re-opening of a building or recall of employees  
70 to work.

- 71 ■ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*  
72 *Legislative Procedures Act.*

- 73 ■ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a  
74 “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which  
75 suspended the Legislative Procedures Act's requirement to hold a public meeting during  
76 the public comment period, but allows members of the community to still participate in the  
77 legislative process by submitting written comments, questions, data, or input on proposed  
78 legislation to the Legislative Operating Committee via e-mail during the public comment  
79 period.

- 80 ■ Although a public meeting will not be held on the proposed amendments to the Community  
81 Support Fund law, a public comment period will still be held open until January 13, 2021,  
82 in accordance with the Legislative Procedures Act and the COVID-19 Core Decision  
83 Making Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*”  
84 declaration.

## 85 **SECTION 5. CONTENTS OF THE LEGISLATION**

87 **A. *Definition for Immediate Family.*** The proposed amendments to the Law revise the definition for  
88 “immediate family.” The Law now defines “immediate family” as an applicant’s husband, wife,  
89 mother, father, son, daughter, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew,  
90 cousin, and any of these relations attained through marriage or legal adoption, as well as a person who  
91 has legal responsibility for the applicant, or a person the applicant has legal responsibility of. [1 *O.C.*  
92 *125.3-1(j)*]. Previously, “immediate family” was defined as that group of persons who make up a  
93 family unit normally defined as husband, wife, children, sister, brother, in-laws, step family,  
94 grandparents and grandchildren, and/or a person who has legal responsibility for the applicant. The  
95 term “immediate family” is most frequently used in the Law in reference to assistance for funeral travel  
96 expenses.

- 97 ■ *Effect.* The proposed amendments expand the definition of immediate family to better reflect  
98 familial relationships amongst members of the Nation. The Economic Support Services Department  
99 made the recommendation to expand this definition based on requests for assistance that have been  
100 submitted, in an effort to better meet the needs of members of the Nation.

101 **B. *Public Health Emergency as a Qualification for Assistance.*** The proposed amendments to the Law  
102 now specify that a public health emergency is a type of catastrophic event or catastrophic illness or  
103 injury which qualifies an applicant for assistance. [1 *O.C. 125.4-6(f)*]. The public health emergency  
104 qualification is in addition to the following types of catastrophic events, and catastrophic illnesses or

105 injuries that were previously specified in the Law: terminally ill, physically challenged or incapacitated,  
106 major medical surgery, life threatening, natural disaster, and death in immediate family. [1 O.C. 125.4-  
107 6].

108 ■ *Effect.* The proposed amendment to the Law provides greater clarification that a public health  
109 emergency does qualify as a type of catastrophic event or catastrophic illness or injury a person  
110 may apply for assistance for. During the COVID-19 pandemic the Economic Support Services  
111 Department did view the Nation's declaration of a Public Health State of Emergency as an  
112 emergency event that would qualify a person for assistance, but requested that the Law be clarified  
113 to specify this.

114 **C. *Utility and Rent Assistance during Waiting Period for a Social Security Disability Determination.***

115 The proposed amendments to the Law limit rent and utility assistance from the Fund during a waiting  
116 period for a Social Security Disability Determination to a maximum period of twelve (12) months. [1  
117 O.C. 125.6-1(l)]. Previously, the Law provided no limitation on how long a person may receive rent  
118 and utility assistance during the waiting period for a Social Security Disability Determination.

119 ■ *Effect.* Due to the fact that the Fund is funded entirely by tribal contribution, the proposed  
120 amendment to the Law limits the period of time a person may receive rent and utility assistance  
121 during a waiting period for a Social Security Disability Determination in an effort to preserve the  
122 Fund so assistance can be provided to a greater number of applicants.

123 **D. *Security Deposit Assistance.*** The proposed amendments to the Law remove the limitation that security

124 deposit assistance only be provided to members of the Nation who are residents of Wisconsin only. [1  
125 O.C. 125.6-2]. The proposed amendments also remove the provision which states that security deposits  
126 are non-transferable, and the requirement that the amount paid for a security deposit shall be paid back  
127 to the Fund before another security deposit is issued at any time in the future. [1 O.C. 125.6-2(b)]. The  
128 proposed amendments to the Law also remove the statement that multiple consecutive requests may be  
129 made.

130 ■ *Effect.* The removal of the requirement that security deposit assistance only be provided to  
131 members of the Nation that are residents of Wisconsin greatly expands who may be eligible to  
132 apply for security deposit assistance. It was unknown to the Economic Support Services  
133 Department why security deposit assistance was limited to residents of Wisconsin only, since that  
134 was the only type of limitation that had a residency limitation.

135 **E. *Utilities Assistance.*** The proposed amendments to the Law added a provision which states that an

136 applicant shall demonstrate that he or she applied to his or her local Energy Assistance Program before  
137 applying for assistance from the Fund. [1 O.C. 125.6-3]. Previously, the section of the Law on utilities  
138 assistance did not mention this requirement, although the Law generally provided that applicants shall  
139 first seek out other resources that can meet the needs of their request. [1 O.C. 125.4-5].

140 ■ *Effect.* The inclusion of the statement that an applicant has to demonstrate that he or she applied to  
141 his or her local Energy Assistance Program before applying for the Fund provides further  
142 clarification on how an applicant can meet the Law's requirement of first seeking out other  
143 resources that can meet the needs of their request.

144 **F. *Funeral Travel Expenses.*** The proposed amendments to the Law remove the requirement that

145 assistance to arrange or attend a funeral for immediate family members is only allowed when the travel  
146 is outside the state where the applicant resides. [1 O.C. 125.6-1(n), 125.6-4].

147 ■ *Effect.* The proposed amendments to the Law expand the availability of assistance for funeral travel  
148 expenses for members of the Nation. Instead of restricting assistance for funeral travel expenses to

149 outside the state where the applicant resides, the Economic Support Services Department provided  
150 that the corresponding rule in the Community Support Fund Law Rule Handbook will include  
151 minimum distance requirements that qualify a person for assistance. The Economic Support  
152 Services Department made this recommendation based on the understanding that there may be great  
153 distances within the state the applicant resides that would prevent the applicant from attending or  
154 arranging a funeral if the applicant did not have access to assistance.

155 **G. *Items not Covered by the Fund.*** The proposed amendments to the Law specify additional expenses  
156 that are not eligible for assistance from the Fund. [1 O.C. 125.7-1]. The proposed amendments to the  
157 Law provide that lodging assistance due to homelessness or for any other reason not related to a  
158 catastrophic event or emergency event, insurance deductibles, and home renovations not related to  
159 handicap accessibility are not covered by the Fund. [1 O.C. 125.7-1(h)(l)(m)].

160 ■ *Effect.* The proposed amendments to the Law provide further clarification as to different expenses  
161 that will not be eligible for assistance from the Fund. The Economic Support Services Department  
162 requested that extra clarification be provided on expenses included in the proposed amendments  
163 because they receive frequent requests for assistance for these expenses which are denied for not  
164 meeting the qualifications for assistance from the Fund.

165 **H. *Verification of Household Income.*** The proposed amendments to the Law remove the requirement  
166 that an applicant provide verification of all household income the last thirty (30) business days  
167 immediately prior to the submission of the application. [1 O.C. 125.8-2].

168 ■ *Effect.* The proposed amendments to the Law remove the requirement to provide verification of all  
169 household income because the Economic Support Services Department determined it was  
170 unnecessary to require this information when there are no income requirements to qualify an  
171 applicant for assistance from the Fund.

172 **I. *Time Period for Submission of Applications.*** The proposed amendments to the Law extend the time  
173 period to submit an application for assistance to forty-five (45) days after a catastrophic event,  
174 catastrophic illness or injury, or emergency event. [1 O.C. 125.8-5]. Previously, the Law required that  
175 all applications for assistance be submitted within thirty (30) business days of a catastrophic event,  
176 catastrophic illness or injury, or emergency event.

177 ■ *Effect.* The time period to submit an application for assistance from the Fund was extended an  
178 additional fifteen (15) business days by the proposed amendments to the Law. The Legislative  
179 Operating Committee proposed this amendment to the Law based on the understanding that when  
180 a person is experiencing a catastrophic event, catastrophic illness or injury, or emergency event it  
181 may be more difficult for the person to collect the necessary supporting documentation and submit  
182 an application. The Legislative Operating Committee wanted to ensure that the Law provides grace  
183 and flexibility to an applicant as they navigate through the catastrophic event, catastrophic illness  
184 or injury, or emergency event.

185 **J. *Appeals.*** The proposed amendments to the Law adjust the appeal process to reflect the reorganization  
186 of the Governmental Services Division. The Law provides that a person may appeal the decision of the  
187 case manager to the director of the Fund Operator. [1 O.C. 125.9-2]. A person may then appeal the  
188 decision of the Fund Operator to the Governmental Services Division Director. [1 O.C. 125.9-3]. And  
189 a person then may further appeal the decision of the Governmental Services Division Director by filing  
190 a complaint with the Trial Court. [1 O.C. 125.9-4]. Previously, the Law provided that an appeal of the  
191 case manager's decision could be made to the Program Director, which is the same as the Director of  
192 the Fund Operator. An appeal of the Program Director's decision could then be made to the Area

193 Manager. And then an appeal of the Area Manager’s decision could be made to the Oneida Court of  
194 Appeals.

195     ▪ *Effect.* The proposed amendments to the Law amend the appeal process in two (2) ways. First, an  
196 appeal of the Director of the Fund Operator’s decision can now be made to the Governmental  
197 Services Division Director instead of the Area Manager as formally drafted because the  
198 Governmental Services Division has been reorganized since the onset of the COVID-19 pandemic  
199 and no longer has Area Managers. Second, an appeal of the Governmental Services Division  
200 Director’s decision can be made by filing a complaint with the Trial Court. Previously, appeals  
201 were made directly to the Oneida Court of Appeals. The Rules of Appellate Procedure provide that  
202 any party to a civil action, who is aggrieved by a final judgment or order of the Trial Court or  
203 original hearing body, may appeal to the Court of Appeals. [8 O.C. 805.5-1]. An original hearing  
204 body is defined as the administrative agency decision-making panel which heard a contested case  
205 under the Administrative Procedures Act, or similar law, and from which appeal is permitted by  
206 law. [8 O.C. 805.3-1(s)]. Although the Law previously permitted appeals of the Area Manager to  
207 be made directly to the Court of Appeals, the Area Manager was not an administrative agency  
208 decision making panel which heard contested cases under the Administrative Procedures Act or  
209 similar law, and therefore it is more appropriate for the appeal to be filed as a complaint with the  
210 Trial Court instead of directly to the Court of Appeals.

211 **K. *Minor Drafting Changes.*** Minor drafting and formatting changes have been made throughout the  
212 Law for clarity.  
213

## 214 **SECTION 6. EXISTING LEGISLATION**

215 **A. *References to other Laws of the Nation.*** The following laws of the Nation are referenced in this Law:

- 216     ▪ *Administrative Rulemaking law.* The Administrative Rulemaking law provides a process for the  
217 adoption and amendments of administrative rules. [1 O.C. 106.1-1].
- 218         ▪ This Law provides that the Fund Operator shall promulgate rules for the administration of  
219 the Fund which shall include the list of categories the Fund covers and a cap that sets the  
220 amount of assistance per event/per household, except for funeral expenses which shall be set  
221 per event/per person. [1 O.C. 125.4-1(a)(1)].
- 222         ▪ This Law provides that the rules promulgated by the Fund Operator may include additional  
223 items not listed in section 125.6 of the Law, as long as the rule does not conflict with any  
224 provision of the Law. [1 O.C. 125.4-1(a)(2)].  
225

## 226 **SECTION 7. OTHER CONSIDERATIONS**

227 **A. *Community Support Fund Law Rule Handbook.*** The Law requires that the Fund Operator promulgate  
228 rules for the administration of the Fund which shall include the list of categories the Fund covers and a  
229 cap that sets the amount of assistance. [1 O.C. 125.4-1]. After amendments to the Law were adopted  
230 by the Oneida Business Committee through resolution BC-01-11-17-B, the Community Support Fund  
231 Law Rule Handbook was then adopted by the Oneida Business Committee on January 24, 2018. Upon  
232 the adoption of the proposed amendments to the Law the Economic Support Services Department will  
233 need to make amendments to the Community Support Fund Law Rule Handbook in accordance with  
234 the Administrative Rulemaking law. The amendments to the Community Support Fund Law Rule



235 Handbook would make revisions necessary to comply with the Law and addresses additional revisions  
236 desired by the Economic Support Services Department.

- 237 ■ *Conclusion.* It would be best practice for the Legislative Operating Committee to communicate  
238 and work with the Economic Support Services Department to ensure the certification and adoption  
239 of the Community Support Fund Law Rule Handbook amendments can coincide as closely as  
240 possible with the adoption of the amendments to the Community Support Fund law.

241 **B. Use of the Community Support Fund.** In an effort to provide a better understanding on how the  
242 Community Support Fund is utilized by the membership, the following information was provided by  
243 the Economic Support Services Department which demonstrates how many times a year the category  
244 of the Fund was utilized, as well as the total benefit amount provided for each category of the Fund  
245 from January 1, 2020 until November 1, 2020.

Category of Assistance from Community Support Fund	Times Fund Utilized in 2018	Times Fund Utilized in 2019	Times Fund Utilized in 2020	Total Benefit Amount Provided
Appliance Repair/Replacement	6	9	11	\$37,851.63
Auto Repairs	30	8	14	\$23,285.29
Catastrophic Rent	210	88	133	\$194,499.62
COBRA Insurance Payments	0	0	1	\$391.38
Dental Expenses	7	3	6	\$6,965.00
Fire Recovery/Natural Disaster	5	6	0	\$1,811.64
Funeral Travel	30	6	11	\$15,254.49
Home Renovations	1	0	0	\$200.00
Inpatient Treatment	1	2	3	\$15,735.80
Medical Bill Payments	47	25	20	\$115,864.17
Medical Travel	155	68	18	\$19,046.61
Medical Related Equipment/Service	10	2	16	\$21,539.77
Optical Expenses	9	2	3	\$2,084.50
Prescriptions	5	2	0	\$1,375.60
Security Deposit	19	9	9	\$16,630.00
SSD Determination Rent	88	63	18	\$68,283.36
SSD Determination Utility	27	25	4	\$5,643.56
Utilities	82	31	18	\$21,434.57
FMLA Wage Replacement	21	15	5	\$14,700.00

246 \*Data provided by the Economic Support Services Department on November 24, 2020.

247 **C. Fiscal Impact.** A fiscal impact statement of the proposed amendments to the Law will have to be  
248 requested. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation  
249 except emergency legislation. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-  
250 A titled, “Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,”  
251 provides further clarification on who the Legislative Operating Committee may direct complete a fiscal  
252 impact statement at various stages of the legislative process, as well as timeframes for completing the  
253 fiscal impact statement.

- 254 ■ *Conclusion.* The Legislative Operating Committee will have to determine which entity is best  
255 suited to complete a fiscal impact statement, and direct that a fiscal impact statement be completed.

256  
257

**Title 1. Government and Finances – Chapter 125**

**COMMUNITY SUPPORT FUND**

**Kaya'takenhásla tsi' niyukwana'táya**

*It is helpful where our community lays*

**COMMUNITY SUPPORT FUND**

125.1. Purpose and Policy

125.2. Adoption, Amendment, Repeal

125.3. Definitions

125.4. Responsibilities, Eligibility and Qualifications

125.5. Priorities for Consideration

125.6. Items Covered by the Fund

125.7. Items not Covered by the Fund

125.8. Application Requirements

125.9. Decision and Appeal

**125.1. Purpose and Policy**

125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the ~~Oneida~~ Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness, or injury, or emergency event when no other resources for assistance exist.

125.1-2. *Policy.* It is the policy of the ~~Oneida~~ Nation to assist ~~their~~its people in a time of need after a catastrophic event, catastrophic illness, or injury, or emergency event, when there is no other assistance available or all other assistance has been exhausted.

**125.2. Adoption, Amendment, Repeal**

125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-~~505~~-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-~~11~~-13-D-~~and~~, BC-01-11-17-B- and BC-  
- - -.

125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

125.2-3. 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.

125.2-4. 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.

125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**125.3. Definitions**

125.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Applicant” means the subject of the application for assistance.

(b) “Business ~~days~~day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding ~~Nation~~holidays- of the Nation.

(c) “Case manager” means an employee within the Fund Operator responsible for administering Fund benefits.

(d) “Catastrophic event” means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover ~~(i.e.,~~ including, but not limited to, a house fire, tornado, flood, or other disaster)~~).~~

(e) “Catastrophic illness or injury” means a serious debilitating illness, injury, impairment, or physical or mental condition that involves:

(1) In-patient care;

(2) A period of continuing treatment due to a chronic serious health condition ~~(such~~

38 as, including, but not limited to, chemotherapy~~/,~~ radiation, dialysis, and daily~~/~~ or  
39 weekly therapy resulting from trauma~~, etc.~~;

40 (3) A period of illness or injury that is long-term due to a condition for which  
41 treatment may be ineffective~~(, including, but not limited to,~~ stroke, or terminal  
42 disease~~, etc.)~~; or

43 (4) Multiple treatments either for restorative surgery after an accident or other  
44 injury, or for a chronic condition~~(i.e., including, but not limited to,~~ cancer or  
45 kidney disease~~).~~

46 (f) “Emergency event” means a situation that poses an immediate risk to health, life,  
47 safety, property, or environment. Emergencies require urgent intervention to prevent  
48 further illness, injury, death, or other worsening of the situation.

49 (g) “Emergency medical travel” means an unexpected serious health situation or  
50 occurrence, requiring the immediate presence of immediate family~~(i.e., including, but~~  
51 not limited to, end of life situation, or life support~~, etc.)~~.

52 (h) “Fund” means the Community Support Fund.

53 (i) “Fund Operator” means the Economic Support Services Department, or other area  
54 within the Governmental Services Division designated authority over the operation of the  
55 Fund.

56 (j) “Immediate family” means ~~that group of persons who make up a family unit normally~~  
57 ~~defined as an applicant’s~~ husband, wife, ~~children, sister, mother, father, son, daughter,~~  
58 brother, ~~in laws, step family, grandparents~~ sister, grandparent, grandchild, aunt, uncle,  
59 niece, nephew, cousin, and grandchildren, and/or a person any of these relations attained  
60 through marriage or legal adoption, as well as a person who has legal responsibility for the  
61 applicant, or a person the applicant has legal responsibility of.

62 (k) “Legal guardian” means a person who has the legal authority to care for the personal  
63 and property interests of another person granted through Court order.

64 (l) “Legal responsibility” means specific duties imposed upon a person to care or provide  
65 for another including liability for personal obligations as granted through a Power of  
66 Attorney or Court order.

67 (m) “Major medical surgery” means a surgical procedure that carries a degree of risk to  
68 the patient’s life, or the potential for severe disability if something goes wrong during  
69 surgery. It is a surgical procedure that usually requires a patient to be put under general  
70 anesthesia and given respiratory assistance because he or she cannot breathe independently.

71 (n) “Nation” means the Oneida Nation.

72 (o) “Public health emergency” means the occurrence or imminent threat of an illness or  
73 health condition which:

74 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a  
75 biological agent; and

76 (2) poses a high probability of any of the following:

77 (A) a large number of deaths or serious or long-term disability among  
78 humans; or

79 (B) widespread exposure to a biological, chemical, or radiological agent  
80 that creates a significant risk of substantial future harm to a large number  
81 of people.

82 (p) “Rule” means a set of requirements enacted in accordance with the Administrative  
83 Rulemaking law.

84 ~~(o) “Tribal” means the Oneida Nation.~~  
85 -

86 (q) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the  
87 judicial system that was established by Oneida General Tribal Council resolution GTC-01-  
88 07-13-B, and then later authorized to administer the judicial authorities and responsibilities  
89 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.  
90

91 **125.4. Responsibilities, Eligibility and Qualifications**

92 125.4-1. ~~The Social Services Area of the Governmental Services Division shall be responsible~~  
93 ~~for operation~~ Responsibilities of the Fund, but may designate Operator. The Fund Operator shall  
94 have the following responsibilities in regard to the operation of the Fund ~~to~~;

95 ~~(a department within its control.~~

96 (a) Administrative Rulemaking. ~~The operators of the Fund~~ Operator shall promulgate  
97 rules, for the administration of the Fund ~~that are consistent with this law. The rules which:~~

98 (1) ~~shall include the list of categories the Fund covers and a cap that sets the~~  
99 ~~amount of assistance per event/per household, except for funeral expenses which~~  
100 ~~shall be set per event/per person;~~ and

101 (2) ~~may include additional items not listed in section 125.6, as long as the rule does~~  
102 ~~not conflict with any provision of this law.~~

103 ~~(b)~~ (b) Communication and Education. The Fund Operator shall ensure that the  
104 Nation’s membership is informed of what assistance is available through the Fund, how to  
105 apply for assistance, and who is eligible for assistance.

106 125.4-2. Reporting Requirements. The Governmental Services Division Director shall report  
107 quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the  
108 amount of funds paid out under each category of the Fund.

109 ~~(c) The Social Services Area or designee shall ensure that the Nation’s membership is~~  
110 ~~informed of what assistance is available through the Fund, how to apply for assistance, and~~  
111 ~~who is eligible for assistance.~~

112 125.4-~~23~~. Eligibility for assistance provided under the Fund is reserved for enrolled members of  
113 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of  
114 the Nation, provided the requested funds will benefit the member only and the non-member has  
115 one (1) of the following relationships to the applicant:

- 116 (a) Is a parent of the applicant;  
117 (b) Is the legal guardian of the applicant; or  
118 (c) Has legal responsibility for the applicant.

119 125.4-~~34~~. Residency within the state of Wisconsin is not a prerequisite for assistance, ~~except for~~  
120 ~~requests for a security deposit in accordance with section 125.6-2~~ from the Fund.

121 125.4-~~45~~. The Fund is a fund of last resort and provides assistance when there is no other financial  
122 assistance available or all other assistance has been exhausted. Applicants shall first seek out other  
123 resources that can meet the needs of their request. ~~Proof of requesting assistance from other~~  
124 ~~sources shall be provided with the application.~~

125 125.4-~~56~~. The following types of catastrophic events, and catastrophic illnesses or injuries qualify  
126 an applicant for assistance:

- 127 (a) Terminally ill;  
128 (b) Physically challenged or incapacitated;  
129 (c) Major medical surgery;

(d) Life threatening ~~(i.e., including, but not limited to,~~ cancer, AIDS, stroke, ~~and~~ disabling injuries due to motor vehicle accident, ~~etc.);~~;

(e) ~~—~~ Natural disaster ~~(i.e., including, but not limited to,~~ tornado, fire, flood, ~~etc.);~~;

~~(f) Public health emergency;~~ and

~~(g) Death in immediate family as identified in section 125.6-1(n).~~;

125.4-~~6~~7. Assistance may be denied or limited for applicants who have elected not to be covered by employer benefits such as disability or health insurance.

125.4-~~7~~8. Except as otherwise provided in section 125.6-4, all payments shall be provided directly to the service provider.

125.4-~~8~~9. Assistance available under the Fund is subject to change according to fiscal year funding levels.

125.4-~~9~~10. Oneida programs and enterprises are not eligible for these funds.

### 125.5. Priorities for Consideration

125.5-1. The case manager shall determine the level of assistance to be provided based on:

(a) Severity of ~~the catastrophic event,~~ catastrophic illness, ~~or~~ injury, ~~or~~ emergency event;

(b) Cost ~~(, usual and customary fees);~~;

(c) Amount of time elapsed since ~~the catastrophic event,~~ catastrophic illness, ~~or~~ injury, ~~or~~ emergency event occurred; and

(d) The Fund's appropriate promulgated rules.

125.5-2. The case manager shall assess each individual case, prioritize, and assist with immediate needs. Priorities are as follows:

(a) Life-threatening emergency requests;

(b) Emergency medical travel; and

(c) Other needs.

### 125.6. Items Covered by the Fund

125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic event, catastrophic illness, ~~or~~ injury, ~~or~~ emergency event. Upon verification of a catastrophic event, catastrophic illness, ~~or~~ injury, ~~or~~ emergency event, the Fund may be used for the following:

(a) COBRA Insurance Payments;

(b) Prescriptions not available through an Indian Health Services clinic;

(c) Medical transportation ~~/ or~~ emergency medical travel including vehicle repairs;

(d) Medical-related equipment, supplies, or furniture;

(e) Medical bills ~~(, including dental, optical, and hospital),~~ not covered by insurance;

(f) Mortgage payments and rent payments ~~(including security deposits),~~ where no other resources exist ~~in accordance with section 125.6-2;~~

(g) Utility disconnections ~~in accordance with section 125.6-3;~~

(h) Inpatient Treatment ~~(, with a limit of once per lifetime);~~;

(i) Fire recovery ~~/ and~~ natural disaster assistance;

(j) Home renovations required for handicap accessibility;

(k) Family Medical Leave Act wage replacement;

(l) Waiting period for a Social Security Disability Determination rent and utility assistance ~~up to a maximum of twelve (12) months;~~

(m) Appliance repair for essential appliances ~~as defined in the rules which the Fund operator shall develop;~~ and/or

(n) Travel expenses to arrange or attend a funeral for immediate family members ~~outside the state where an applicant resides, in accordance with section 125.6-4.~~

125.6-2. ~~Security deposit~~Deposit. The Fund shall only provide assistance for a security deposit when it is tied to or a result of a catastrophic event, catastrophic illness or injury, or emergency event, on an emergency basis which shall include, but is not limited to, pending eviction and homelessness. ~~Security deposit assistance is limited to Tribal members who are Wisconsin residents only.~~

(a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The operators of the Fund shall not co-sign any lease.

~~(b) Security deposits are non-transferable and the amount paid for a security deposit shall be paid back to the Fund before another security deposit is issued at any time in the future.~~

~~(e)~~(b) Only one (1) request per household shall be considered; ~~multiple consecutive requests may be made.~~

125.6-3. *Utilities*. Assistance for the payment of utilities shall only be allowed once every two (2) years by the person listed as responsible to pay with the utility company. ~~-An applicant shall demonstrate that he or she applied to his or her local Energy Assistance Program before applying for assistance from the Fund.~~

125.6-4. *Funeral expenses*Travel Expenses. An applicant may receive assistance with travel expenses, up to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral for immediate family members ~~outside the state where the applicant resides.~~ Unless the rules allow for direct payment to the travel provider by the Fund Operator, such assistance is required to be in the form of reimbursement, provided that mileage assistance shall always be in the form of reimbursement.

## 125.7. Items not Covered by the Fund

125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event, catastrophic illness, or injury, or emergency event as defined above. The following is a list of items not covered by the Fund; however, this is not an exhaustive list:

(a) Car payments;

(b) Taxes;

(c) Credit card or charge accounts;

(d) Commercial loans;

(e) Defaults, fines, or bankruptcy charges;

(f) Expenses not tied to basic needs ~~(such as cable, internet, memberships, etc.);~~;

(g) Legal fees, court costs, judgments;

~~(h) Homeless lodging assistance;~~

(h) Lodging assistance due to homelessness, or for any other reason not related to a catastrophic event or emergency event;

(i) Health membership fees;

(j) Food and personal care items;

(k) Stabilization rent assistance;

(l) Insurance deductibles;

(m) Home renovations not related to handicap accessibility; and

~~(n)~~ Department of Corrections re-entry assistance.

125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the following:

222 (a) The catastrophic event, catastrophic illness, or injury or emergency event is the result  
 223 of a violation of the law as proven by a citation or criminal conviction;

224 (b) The applicant or others in the household benefiting from assistance from the Fund are  
 225 non-compliant with the requirements of other Nation programs, policies or laws; and/or

226 (c) The applicant or others in the household benefiting from assistance from the Fund are  
 227 non-compliant with the requirements of the Fund.

228 125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall  
 229 provide an explanation of the decision in writing to the applicant with a copy placed in the  
 230 applicant's file.

231

### 232 **125.8. Application Requirements**

233 125.8-1. To be considered for assistance and before receiving assistance the applicant shall  
 234 complete the full application process. All applicants shall cooperate with the case manager to  
 235 assist the case manager in comprehensively addressing the needs of the applicant(s). Every  
 236 application shall contain a space for the applicant to identify a preferred method of contact. This  
 237 shall be the primary contact method. Case managers shall follow up every contact with written  
 238 correspondence, in order to make responses to the applicant in a timely manner so as to meet the  
 239 applicant's needs.

240 125.8-2. Supporting documentation is required in all cases. The applicant is responsible to  
 241 provide all documentation requested by the case manager. No assistance may be provided without  
 242 sufficient documentation of:

243 (a) The catastrophic event, catastrophic illness, or injury, or emergency event;

244 (b) Proof that the applicant sought assistance from other agencies with an explanation of  
 245 benefits received or refusal of assistance by the other agencies;

246 (c) Enrollment in the Nation; and

247 ~~(d) All household income the last thirty (30) business days immediately prior to the~~  
 248 ~~submission of the application; and~~

249 ~~(e)~~(d) Status of employment which shall include the following as applicable:

250 (1) Leave of absence paperwork;

251 (2) Balance of personal and vacation time accumulation; and

252 (3) Disability insurance or workmen's compensation coverage.

253 125.8-3. Documentation includes, but is not limited to:

254 (a) Medical reports;

255 (b) Bills or statements;

256 (c) Estimates;

257 (d) Letters;

258 (e) Police or fire reports;

259 (f) Obituary or formal notice of death;

260 (g) Check stubs;

261 (h) Pictures or photographs;

262 (i) Applications for assistance from other agencies; and/or

263 (j) Approval of assistance or denial of assistance letters from other agencies.

264 125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty  
 265 (30) business days.

266 (a) The case manager shall request additional information be provided when an application  
 267 contains insufficient information to make an informed decision.

- 268 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.  
269 (c) Failure to submit the requested information within the thirty (30) business days shall  
270 result in closing the application file, with no further action taken in regard to that  
271 application.  
272 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file  
273 being closed.  
274 (e) After the file is closed, the applicant shall start the application process over again in  
275 order to be considered for assistance from the Fund. However, no applicant may re-apply  
276 for the same catastrophic event, catastrophic illness, or injury, or emergency event more  
277 than the limit stated within this law or the Fund's rules.

278 125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed  
279 ~~thirty (30)~~forty-five (45) business days of a catastrophic event ~~or, catastrophic illness, or injury,~~ or  
280 emergency event. Applications made after ~~thirty (30)~~forty-five (45) business days shall not be  
281 considered.

### 282 **125.9. Decision and Appeal**

283 125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which  
284 an initial decision is required following the submission of a complete application. Such timeline  
285 shall include available extensions for circumstances wherein the applicant has a determination of  
286 award ~~or~~ coverage pending with another support ~~or~~ assistance resource.

287 125.9-2. ~~Program Appeal to the Director~~ Appeal of the Fund Operator. An appeal of the case  
288 manager's decision shall be requested in writing to the ~~Program Director~~director of the Fund  
289 Operator within ten (10) business days after receipt of notice of the initial decision. ~~Within ten~~  
290 ~~(10) business days after receiving the appeal, the Program Director~~ The director of the Fund  
291 Operator shall provide the applicant with notice of his or her decision on the matter— within ten  
292 (10) business days after receiving the appeal.

293 125.9-3. ~~Area Manager Appeal~~ Appeal to the Governmental Services Division Director. An  
294 appeal of the ~~Program Director's~~ of the director of the Fund Operator shall be requested  
295 in writing to the ~~Area Manager~~Governmental Services Division Director within ten (10) business  
296 days after receipt of notice of the ~~Program Director's~~director of the Fund Operator's decision.  
297 ~~Within ten (10) business days after receiving the appeal, the Area Manager~~ The Governmental  
298 Services Division Director shall provide the applicant with notice of his or her decision on the  
299 matter— within ten (10) business days after receiving the appeal.

300 125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the ~~Area Manager to~~  
301 ~~the Oneida Court of Appeals in accordance~~Governmental Services Division Director by filing a  
302 complaint with the ~~Rules of Appellate Procedure~~Trial Court.

303 *End.*

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304 Adopted - BC-~~505~~-15-96-A  
305 Amended - BC-~~1-801-08~~-97-G  
Amended - BC-12-11-13-D  
Amended - BC-01-11-17-B  
Amended - BC- - - -



**Title 1. Government and Finances – Chapter 125**  
**Kayaʔtakenhásla tsiʔ niyukwana táya**  
*It is helpful where our community lays*  
**COMMUNITY SUPPORT FUND**

125.1. Purpose and Policy	125.6. Items Covered by the Fund
125.2. Adoption, Amendment, Repeal	125.7. Items not Covered by the Fund
125.3. Definitions	125.8. Application Requirements
125.4. Responsibilities, Eligibility and Qualifications	125.9. Decision and Appeal
125.5. Priorities for Consideration	

**1 125.1. Purpose and Policy**

2 125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the  
3 Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness  
4 or injury, or emergency event when no other resources for assistance exist.

5 125.1-2. *Policy.* It is the policy of the Nation to assist its people in a time of need after a  
6 catastrophic event, catastrophic illness or injury, or emergency event, when there is no other  
7 assistance available or all other assistance has been exhausted.

8  
9 **125.2. Adoption, Amendment, Repeal**

10 125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-96-  
11 A and amended by resolutions BC-01-08-97-G, BC-12-11-13-D, BC-01-11-17-B and BC-\_\_-\_\_-  
12 \_\_-\_\_.

13 125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the  
14 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures  
15 Act.

16 125.2-3. Should a provision of this law or the application thereof to any person or circumstances  
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
18 to have legal force without the invalid portions.

19 125.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
20 the provisions of this law shall control.

21 125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
22

23 **125.3. Definitions**

24 125.3-1. This section shall govern the definitions of words and phrases used within this law. All  
25 words not defined herein shall be used in their ordinary and everyday sense.

26 (a) “Applicant” means the subject of the application for assistance.

27 (b) “Business day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding  
28 holidays of the Nation.

29 (c) “Case manager” means an employee within the Fund Operator responsible for  
30 administering Fund benefits.

31 (d) “Catastrophic event” means a natural or man-made incident, which results in  
32 substantial damage or loss requiring major financial resources to repair or recover,  
33 including, but not limited to, a house fire, tornado, flood, or other disaster.

34 (e) “Catastrophic illness or injury” means a serious debilitating illness, injury, impairment,  
35 or physical or mental condition that involves:

36 (1) In-patient care;

37 (2) A period of continuing treatment due to a chronic serious health condition,  
38 including, but not limited to, chemotherapy, radiation, dialysis, and daily or weekly

- 39 therapy resulting from trauma;
- 40 (3) A period of illness or injury that is long-term due to a condition for which
- 41 treatment may be ineffective, including, but not limited to, stroke or terminal
- 42 disease; or
- 43 (4) Multiple treatments either for restorative surgery after an accident or other
- 44 injury, or for a chronic condition, including, but not limited to, cancer or kidney
- 45 disease.
- 46 (f) “Emergency event” means a situation that poses an immediate risk to health, life,
- 47 safety, property, or environment. Emergencies require urgent intervention to prevent
- 48 further illness, injury, death, or other worsening of the situation.
- 49 (g) “Emergency medical travel” means an unexpected serious health situation or
- 50 occurrence, requiring the immediate presence of immediate family, including, but not
- 51 limited to, end of life situation or life support.
- 52 (h) “Fund” means the Community Support Fund.
- 53 (i) “Fund Operator” means the Economic Support Services Department, or other area
- 54 within the Governmental Services Division designated authority over the operation of the
- 55 Fund.
- 56 (j) “Immediate family” means an applicant’s husband, wife, mother, father, son, daughter,
- 57 brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, cousin, and any of
- 58 these relations attained through marriage or legal adoption, as well as a person who has
- 59 legal responsibility for the applicant, or a person the applicant has legal responsibility of.
- 60 (k) “Legal guardian” means a person who has the legal authority to care for the personal
- 61 and property interests of another person granted through Court order.
- 62 (l) “Legal responsibility” means specific duties imposed upon a person to care or provide
- 63 for another including liability for personal obligations as granted through a Power of
- 64 Attorney or Court order.
- 65 (m) “Major medical surgery” means a surgical procedure that carries a degree of risk to the
- 66 patient’s life, or the potential for severe disability if something goes wrong during surgery.
- 67 It is a surgical procedure that usually requires a patient to be put under general anesthesia
- 68 and given respiratory assistance because he or she cannot breathe independently.
- 69 (n) “Nation” means the Oneida Nation.
- 70 (o) “Public health emergency” means the occurrence or imminent threat of an illness or
- 71 health condition which:
- 72 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
- 73 biological agent; and
- 74 (2) poses a high probability of any of the following:
- 75 (A) a large number of deaths or serious or long-term disability among
- 76 humans; or
- 77 (B) widespread exposure to a biological, chemical, or radiological agent
- 78 that creates a significant risk of substantial future harm to a large number
- 79 of people.
- 80 (p) “Rule” means a set of requirements enacted in accordance with the Administrative
- 81 Rulemaking law.
- 82 (q) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
- 83 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
- 84 07-13-B, and then later authorized to administer the judicial authorities and responsibilities

85 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.  
86

87 **125.4. Responsibilities, Eligibility and Qualifications**

88 125.4-1. *Responsibilities of the Fund Operator.* The Fund Operator shall have the following  
89 responsibilities in regard to the operation of the Fund:

90 (a) *Administrative Rulemaking.* The Fund Operator shall promulgate rules for the  
91 administration of the Fund which:

92 (1) shall include the list of categories the Fund covers and a cap that sets the amount  
93 of assistance per event/per household, except for funeral expenses which shall be  
94 set per event/per person; and

95 (2) may include additional items not listed in section 125.6, as long as the rule does  
96 not conflict with any provision of this law.

97 (b) *Communication and Education.* The Fund Operator shall ensure that the Nation's  
98 membership is informed of what assistance is available through the Fund, how to apply for  
99 assistance, and who is eligible for assistance.

100 125.4-2. *Reporting Requirements.* The Governmental Services Division Director shall report  
101 quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the  
102 amount of funds paid out under each category of the Fund.

103 125.4-3. Eligibility for assistance provided under the Fund is reserved for enrolled members of  
104 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of  
105 the Nation, provided the requested funds will benefit the member only and the non-member has  
106 one (1) of the following relationships to the applicant:

107 (a) Is a parent of the applicant;

108 (b) Is the legal guardian of the applicant; or

109 (c) Has legal responsibility for the applicant.

110 125.4-4. Residency within the state of Wisconsin is not a prerequisite for assistance from the  
111 Fund.

112 125.4-5. The Fund is a fund of last resort and provides assistance when there is no other financial  
113 assistance available or all other assistance has been exhausted. Applicants shall first seek out other  
114 resources that can meet the needs of their request. Proof of requesting assistance from other sources  
115 shall be provided with the application.

116 125.4-6. The following types of catastrophic events, and catastrophic illnesses or injuries qualify  
117 an applicant for assistance:

118 (a) Terminally ill;

119 (b) Physically challenged or incapacitated;

120 (c) Major medical surgery;

121 (d) Life threatening, including, but not limited to, cancer, AIDS, stroke, and disabling  
122 injuries due to motor vehicle accident;

123 (e) Natural disaster, including, but not limited to, tornado, fire, flood;

124 (f) Public health emergency; and

125 (g) Death in immediate family.

126 125.4-7. Assistance may be denied or limited for applicants who have elected not to be covered  
127 by employer benefits such as disability or health insurance.

128 125.4-8. Except as otherwise provided in section 125.6-4, all payments shall be provided directly  
129 to the service provider.

130 125.4-9. Assistance available under the Fund is subject to change according to fiscal year funding

131 levels.

132 125.4-10. Oneida programs and enterprises are not eligible for these funds.

133

134 **125.5. Priorities for Consideration**

135 125.5-1. The case manager shall determine the level of assistance to be provided based on:

136 (a) Severity of the catastrophic event, catastrophic illness or injury, or emergency event;

137 (b) Cost, usual and customary fees;

138 (c) Amount of time elapsed since the catastrophic event, catastrophic illness or injury, or  
139 emergency event occurred; and

140 (d) The Fund's appropriate promulgated rules.

141 125.5-2. The case manager shall assess each individual case, prioritize, and assist with immediate  
142 needs. Priorities are as follows:

143 (a) Life-threatening emergency requests;

144 (b) Emergency medical travel; and

145 (c) Other needs.

146

147 **125.6. Items Covered by the Fund**

148 125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic  
149 event, catastrophic illness or injury, or emergency event. Upon verification of a catastrophic event,  
150 catastrophic illness or injury, or emergency event, the Fund may be used for the following:

151 (a) COBRA Insurance Payments;

152 (b) Prescriptions not available through an Indian Health Services clinic;

153 (c) Medical transportation or emergency medical travel including vehicle repairs;

154 (d) Medical-related equipment, supplies, or furniture;

155 (e) Medical bills, including dental, optical, and hospital, not covered by insurance;

156 (f) Mortgage payments and rent payments including security deposits, where no other  
157 resources exist;

158 (g) Utility disconnections;

159 (h) Inpatient Treatment, with a limit of once per lifetime;

160 (i) Fire recovery and natural disaster assistance;

161 (j) Home renovations required for handicap accessibility;

162 (k) Family Medical Leave Act wage replacement;

163 (l) Waiting period for a Social Security Disability Determination rent and utility assistance  
164 up to a maximum of twelve (12) months;

165 (m) Appliance repair for essential appliances; and/or

166 (n) Travel expenses to arrange or attend a funeral for immediate family members.

167 125.6-2. *Security Deposit.* The Fund shall only provide assistance for a security deposit when it  
168 is tied to or a result of a catastrophic event, catastrophic illness or injury, or emergency event, on  
169 an emergency basis which shall include, but is not limited to, pending eviction and homelessness.

170 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The  
171 operators of the Fund shall not co-sign any lease.

172 (b) Only one (1) request per household shall be considered.

173 125.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two  
174 (2) years by the person listed as responsible to pay with the utility company. An applicant shall  
175 demonstrate that he or she applied to his or her local Energy Assistance Program before applying  
176 for assistance from the Fund.

177 125.6-4. *Funeral Travel Expenses*. An applicant may receive assistance with travel expenses, up  
178 to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral for immediate  
179 family members. Unless the rules allow for direct payment to the travel provider by the Fund  
180 Operator, such assistance is required to be in the form of reimbursement, provided that mileage  
181 assistance shall always be in the form of reimbursement.  
182

183 **125.7. Items not Covered by the Fund**

184 125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event,  
185 catastrophic illness or injury, or emergency event as defined above. The following is a list of items  
186 not covered by the Fund; however, this is not an exhaustive list:

- 187 (a) Car payments;
- 188 (b) Taxes;
- 189 (c) Credit card or charge accounts;
- 190 (d) Commercial loans;
- 191 (e) Defaults, fines, or bankruptcy charges;
- 192 (f) Expenses not tied to basic needs such as cable, internet, memberships, etc.;
- 193 (g) Legal fees, court costs, judgments;
- 194 (h) Lodging assistance due to homelessness, or for any other reason not related to a  
195 catastrophic event or emergency event;
- 196 (i) Health membership fees;
- 197 (j) Food and personal care items;
- 198 (k) Stabilization rent assistance;
- 199 (l) Insurance deductibles;
- 200 (m) Home renovations not related to handicap accessibility; and
- 201 (n) Department of Corrections re-entry assistance.

202 125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the  
203 following:

- 204 (a) The catastrophic event, catastrophic illness or injury or emergency event is the result  
205 of a violation of the law as proven by a citation or criminal conviction;
- 206 (b) The applicant or others in the household benefiting from assistance from the Fund are  
207 non-compliant with the requirements of other Nation programs, policies or laws; and/or
- 208 (c) The applicant or others in the household benefiting from assistance from the Fund are  
209 non-compliant with the requirements of the Fund.

210 125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall  
211 provide an explanation of the decision in writing to the applicant with a copy placed in the  
212 applicant's file.  
213

214 **125.8. Application Requirements**

215 125.8-1. To be considered for assistance and before receiving assistance the applicant shall  
216 complete the full application process. All applicants shall cooperate with the case manager to  
217 assist the case manager in comprehensively addressing the needs of the applicant(s). Every  
218 application shall contain a space for the applicant to identify a preferred method of contact. This  
219 shall be the primary contact method. Case managers shall follow up every contact with written  
220 correspondence, in order to make responses to the applicant in a timely manner so as to meet the  
221 applicant's needs.

222 125.8-2. Supporting documentation is required in all cases. The applicant is responsible to

223 provide all documentation requested by the case manager. No assistance may be provided without  
224 sufficient documentation of:

- 225 (a) The catastrophic event, catastrophic illness or injury, or emergency event;
- 226 (b) Proof that the applicant sought assistance from other agencies with an explanation of  
227 benefits received or refusal of assistance by the other agencies;
- 228 (c) Enrollment in the Nation; and
- 229 (d) Status of employment which shall include the following as applicable:
  - 230 (1) Leave of absence paperwork;
  - 231 (2) Balance of personal and vacation time accumulation; and
  - 232 (3) Disability insurance or workmen's compensation coverage.

233 125.8-3. Documentation includes, but is not limited to:

- 234 (a) Medical reports;
- 235 (b) Bills or statements;
- 236 (c) Estimates;
- 237 (d) Letters;
- 238 (e) Police or fire reports;
- 239 (f) Obituary or formal notice of death;
- 240 (g) Check stubs;
- 241 (h) Pictures or photographs;
- 242 (i) Applications for assistance from other agencies; and/or
- 243 (j) Approval of assistance or denial of assistance letters from other agencies.

244 125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty  
245 (30) business days.

- 246 (a) The case manager shall request additional information be provided when an application  
247 contains insufficient information to make an informed decision.
- 248 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.
- 249 (c) Failure to submit the requested information within the thirty (30) business days shall  
250 result in closing the application file, with no further action taken in regard to that  
251 application.
- 252 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file  
253 being closed.
- 254 (e) After the file is closed, the applicant shall start the application process over again in  
255 order to be considered for assistance from the Fund. However, no applicant may re-apply  
256 for the same catastrophic event, catastrophic illness or injury, or emergency event more  
257 than the limit stated within this law or the Fund's rules.

258 125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed  
259 forty-five (45) business days of a catastrophic event, catastrophic illness or injury, or emergency  
260 event. Applications made after forty-five (45) business days shall not be considered.

261

262 **125.9. Decision and Appeal**

263 125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which  
264 an initial decision is required following the submission of a complete application. Such timeline  
265 shall include available extensions for circumstances wherein the applicant has a determination of  
266 award or coverage pending with another support or assistance resource.

267 125.9-2. *Appeal to the Director of the Fund Operator.* An appeal of the case manager’s decision  
268 shall be requested in writing to the director of the Fund Operator within ten (10) business days  
269 after receipt of notice of the initial decision. The director of the Fund Operator shall provide the  
270 applicant with notice of his or her decision on the matter within ten (10) business days after  
271 receiving the appeal.

272 125.9-3. *Appeal to the Governmental Services Division Director.* An appeal of the decision of  
273 the director of the Fund Operator shall be requested in writing to the Governmental Services  
274 Division Director within ten (10) business days after receipt of notice of the director of the Fund  
275 Operator’s decision. The Governmental Services Division Director shall provide the applicant  
276 with notice of his or her decision on the matter within ten (10) business days after receiving the  
277 appeal.

278 125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the Governmental  
279 Services Division Director by filing a complaint with the Trial Court.

280  
281 *End.*

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Amended - BC-01-08-97-G  
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