

**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**

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Send Public Comments to  
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## **EMERGENCY MANAGEMENT AND HOMELAND SECURITY LAW AMENDMENTS**

The purpose of this law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; and provide for the direction of emergency management, response, and recovery on the Reservation.

### **The Emergency Management and Homeland Security law amendments will:**

1. Clarify that it is within the authority of the Community/Public Health Officer to issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation;
2. Extend the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days;
3. Delegate authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team upon the declaration of an emergency and determine which positions of the Nation will compose the Emergency Core Decision Making Team; and
4. Provide that citations issued for violations of this Law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

For more proposed amendments to the Emergency Management and Homeland Security 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 EMERGENCY MANAGEMENT AND HOMELAND SECURITY 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>▪ Amend title from Emergency Management and Homeland Security law to the Emergency Management law;</li> <li>▪ Revise references to Oneida Community Health Services to Comprehensive Health Division;</li> <li>▪ Include a definition for “emergency;”</li> <li>▪ Revise the title of the Emergency Management and Homeland Security Agency to Emergency Management Department;</li> <li>▪ Remove a provision regarding the Public Safety Officers’ Benefits Program from the law because it is provided for in federal law;</li> <li>▪ Clarify that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer;</li> <li>▪ Clarify that it is within the authority of the Community/Public Health Officer to issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation;</li> <li>▪ Remove provision that required the Oneida Community Health Services to be responsible for certain expenses of an infected individual;</li> <li>▪ Address the authority of the Community/Public Health Officer to organize the vaccinations of individuals during the Public Health Emergency;</li> <li>▪ Clarify exemptions to the requirements for vaccines;</li> <li>▪ Extend the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days;</li> <li>▪ Clarify that the Conservation Department may contract with an agency to cover their responsibility for the care, disposal, and sheltering of all abandoned domestic animals and livestock during a proclaimed emergency;</li> <li>▪ Delegate authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team upon the declaration of an emergency and determine which positions of the Nation will compose the Emergency Core Decision Making Team;</li> <li>▪ Delegate authority to the Emergency Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation;</li> <li>▪ Provide how the Emergency Core Decision Making Team will make declarations, and the duration of authority for those declarations;</li> <li>▪ Require that notification of any declaration be provided to the Oneida Business Committee within twenty-four (24) hours of a declaration being made;</li> <li>▪ Clarify the authority of the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team;</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Provide that citations issued for violations of this Law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations; and</li> <li>▪ Provide that the Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law.</li> </ul>
<b>Purpose</b>	To provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].
<b>Affected Entities</b>	Community/Public Health Officer, Emergency Management 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.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

2 **A. Background.** The Emergency Management and Homeland Security law (“the Law”) was first adopted  
3 by the Oneida Business Committee on July 15, 1998. The Law provides for the development and  
4 execution of plans for the protection of residents, property, and the environment in an emergency or  
5 disaster; provides for the direction of emergency management, response, and recovery on the  
6 Reservation, as well as coordination with other agencies, victims, businesses, and organizations;  
7 establishes the use of the National Incident Management System; and designates authority and  
8 responsibilities for public health preparedness. [3 O.C. 302.1-1].

9 **B. Emergency Amendments.** On March 17, 2020, the Oneida Business Committee adopted emergency  
10 amendments to the Law through the adoption of resolution BC-03-17-20-E. Emergency amendments  
11 to the Law were sought to create and delegate authority to a COVID-19 Core Decision Making Team  
12 to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the  
13 Nation. The emergency amendments to this Law were necessary for the preservation of the public  
14 health, safety, and general welfare of the Reservation population. The emergency amendments were  
15 needed to allow the COVID-19 Core Decision Making Team to act on behalf of the Nation on a daily,  
16 or even hourly basis, to protect the Reservation population against the public health crisis that is the  
17 COVID-19 pandemic. The emergency amendments to the Law were set to expire on September 17,  
18 2020. On August 26, 2020, the Oneida Business Committee extended the emergency amendments to  
19 the Law for an additional six (6) month period through the adoption of resolution BC-08-26-20-A. The  
20 emergency amendments to the Law are set to expire on March 17, 2021.

21 **C.** The Legislative Operating Committee proposed permanent amendments be made to this Law to  
22 permanently adopt some of the emergency amendments that were recently made to the Law, as well as  
23 to address other revisions that may be necessary.  
24

25 **SECTION 3. CONSULTATION AND OUTREACH**

26 **A.** Representatives from the following departments or entities participated in the development of this Law  
27 and legislative analysis:

- 28 ▪ Oneida Business Committee;

- 29           ▪ Oneida Law Office;
- 30           ▪ Emergency Management Department;
- 31           ▪ Comprehensive Health Division;
- 32           ▪ Risk Management Department;
- 33           ▪ Intergovernmental Affairs;
- 34           ▪ General Manager; and
- 35           ▪ Strategic Planner.

36 **B.** The following laws were reviewed in the drafting of this analysis:

- 37           ▪ Citations law;
- 38           ▪ Oneida Personnel Policies and Procedures; and
- 39           ▪ Legislative Procedures Act.

40

#### 41 **SECTION 4. PROCESS**

42 **A.** The amendments to this Law have followed the process set forth in the Legislative Procedures Act.

- 43           ▪ On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Law
- 44           through the adoption of resolution BC-03-17-20-E for the purpose of creating and delegating
- 45           authority to a COVID-19 Core Decision Making Team.
- 46           ▪ On August 26, 2020, the Oneida Business Committee extended the emergency amendments to the
- 47           Law for an additional six (6) month period through the adoption of resolution BC-08-26-20-A.
- 48           ▪ The LOC added amendments to the Law to its Active Files List on October 7, 2020.
- 49           ▪ The emergency amendments to the Law are set to expire on March 17, 2021.

50 **B.** At the time this legislative analysis was developed the following work meetings had been held

51 regarding the development of these amendments:

- 52           ▪ November 4, 2020: LOC work meeting with Comprehensive Health Division, Emergency
- 53           Management Department, Oneida Law Office, Oneida Business Committee, Risk Management
- 54           Department, General Manager, Intergovernmental Affairs, Strategic Planner.
- 55           ▪ December 8, 2020: LOC work meeting with Comprehensive Health Division, Emergency
- 56           Management Department, Strategic Planner.
- 57           ▪ December 10, 2020: LOC work meeting.

58 **C.** *COVID-19 Pandemic's Effect on the Legislative Process.* The world is currently facing a pandemic

59 of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China

60 and has spread to many other countries throughout the world, including the United States. The COVID-

61 19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts

62 including effects on the stock market and the closing of all non-essential businesses. A public meeting

63 for the proposed amendments to this Law will not be held due to the COVID-19 pandemic, but the

64 submission of written comments will still be permitted.

65           ▪ *Declaration of a Public Health State of Emergency.*

- 66           ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
- 67           *of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State
- 68           of Emergency for the Nation until April 12, 2020, and set into place the necessary authority
- 69           for action to be taken and allows the Nation to seek reimbursement of emergency
- 70           management actions that may result in unexpected expenses.
- 71           ▪ The Public Health State of Emergency has since been extended until January 12, 2020, by
- 72           the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-

73 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-  
74 08-20-A, BC-11-10-20-A, and BC-12-09-20-D.

75 ■ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*

- 76 ■ On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer*  
77 *at Home*” declaration which ordered all individuals present within the Oneida Reservation  
78 to stay at home or at their place of residence, with certain exceptions allowed. This  
79 declaration prohibited all public gatherings of any number of people.
- 80 ■ On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer*  
81 *at Home*” declaration which allowed for gaming and golf operations to resume.
- 82 ■ On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home*  
83 *Declaration, Amendment, Open for Business*” which directs that individuals within the  
84 Oneida Reservation should continue to stay at home, businesses can re-open under certain  
85 safer business practices, and social distancing should be practiced by all persons.
- 86 ■ On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at*  
87 *Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration,*  
88 *Amendment, Open for Business*” while still providing guidance and some restrictions. This  
89 declaration prohibits all public and private gatherings of more than twenty (20) people that  
90 are not part of a single household or living unit.
- 91 ■ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”  
92 which sets minimum standards for the safe re-opening of a building or recall of employees  
93 to work.

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

- 96 ■ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a  
97 “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which  
98 suspended the Legislative Procedures Act’s requirement to hold a public meeting during  
99 the public comment period, but allows members of the community to still participate in the  
100 legislative process by submitting written comments, questions, data, or input on proposed  
101 legislation to the Legislative Operating Committee via e-mail during the public comment  
102 period.
- 103 ■ Although a public meeting will not be held on the proposed amendments to the Emergency  
104 Management and Homeland Security law, a public comment period will still be held open  
105 until January 13, 2021, in accordance with the Legislative Procedures Act and the COVID-  
106 19 Core Decision Making Team’s “*Suspension of Public Meetings under the Legislative*  
107 *Procedures Act*” declaration.

108  
109 **SECTION 5. CONTENTS OF THE LEGISLATION**

110 **A. Public Safety Officers’ Benefit Program.** The proposed amendments to the Law remove a provision  
111 regarding the Public Safety Officers’ Benefit Program. Previously, the Law provided that if a person is  
112 disabled or dies while serving as a public safety officer, as defined in the Public Safety Officers’  
113 Benefits Program, then the spouse of that person and/or any children of that person may be eligible for  
114 benefits as determined by the Bureau of Justice Assistance under the Public Safety Officers’ Benefits  
115 Program, 42 U.S.C. ch. 46, subch. XII.

- 116       ▪ *Effect.* The proposed amendments remove the provision regarding the Public Safety Officers’  
117       Benefits Program from the Law because this program and its application is already provided in  
118       federal law, so therefore the inclusion of this provision in the Law was duplicative.
- 119 **B. *More Strict Policies and Regulations.*** The proposed amendments to the Law include a new provision  
120       which provides that the Nation may implement more strict policies or requirements than those issued  
121       by the Community/Public Health Officer. [3 O.C. 302.6-2].
- 122       ▪ *Effect.* The proposed amendment to the Law provides clarification that the Nation may implement  
123       more strict policies or requirements on its employees and elected or appointed officials than those  
124       issued by the Community/Public Health Officer.
- 125 **C. *Authority of the Community/Public Health Officer.*** The proposed amendments to the Law provide  
126       clarification that it is within the authority of the Community/Public Health Officer to issue any mandate,  
127       order, and/or require restrictions which may limit the spread of any communicable disease to any  
128       individual, business, or the general population of the Reservation. [3 O.C. 302.7-4(c)]. The Law already  
129       provided that the Community/Public Health Officer could act as necessary to protect the public by  
130       taking action to limit the spread of any communicable disease through use of quarantine or isolation,  
131       requiring restrictions, or by taking other communicable disease control measures as necessary.
- 132       ▪ *Effect.* During the most recent COVID-19 pandemic the Community/Public Health Officer had to  
133       take actions such as issuing a mandate requiring the use of face covering, or limiting the occupancy  
134       of businesses in order to protect the Nation from COVID-19. The proposed amendments clarify  
135       that these such actions are within the authority of the Nation’s Community/Public Health Officer  
136       when acting as necessary to protect the public.
- 137 **D. *Expenses of the Oneida Community Health Services.*** The proposed amendments to the Law removed  
138       a provision which provided that the Oneida Community Health Services would be responsible for the  
139       following costs unless the costs are payable through third party liability or through any benefit system:  
140       the expense for law enforcement assistance under 302.7-4; the expense of maintaining quarantine and  
141       isolation of the quarantined area; the expense of conducting examinations and tests made under the  
142       direction of the Community/Public Health Officer; and the expense of care for dependent persons of  
143       the infected individual. Now, the Law simply provides that expenses for necessary medical care, food,  
144       and other articles needed for an infected individual shall be charged against the individual or whoever  
145       is liable for the individual’s care and support. [3 O.C. 302.7-8].
- 146       ▪ *Effect.* The proposed amendments to the Law remove the financial liability of the cost of care for  
147       an infected individual from the Oneida Community Health Services due to the fact that the Nation  
148       is not in a financial position to cover these expenses on such a widespread scale as the COVID-19  
149       pandemic has presented. The Law provides that expenses for necessary medical care, food, and  
150       other articles needed for an infected individual shall be charged against the individual or whoever  
151       is liable for the individual’s care and support. The Comprehensive Health Division will still provide  
152       care and have resources available for those who are eligible to receive care and assistance from the  
153       Comprehensive Health Division.
- 154 **E. *Vaccinations During a Public Health Emergency.*** The proposed amendments to the Law adjust the  
155       Community/Public Health Officer’s authority in regard to vaccinations during a public health  
156       emergency. The Law provides that when a public health emergency is proclaimed, the  
157       Community/Public Health Officer may organize the vaccination of individuals. [3 O.C. 302.7-6(a)].  
158       The Law then clarifies that the following types of individuals shall not be subject to a vaccination: an  
159       individual who the vaccination is reasonably likely to lead to serious harm to the individual; or an

160 individual, for reason of religion or conscience, refuses to obtain the vaccination. [3 O.C. 302.7-  
161 6(a)(1)(A)-(B)]. Previously, the Law provided that the Community/Public Health Officer had the  
162 authority to order the vaccination of an individual, unless the vaccination is reasonably likely to lead to  
163 serious harm to the individual or the individual, for reason of religion or conscience, refuses to obtain  
164 the vaccination.

- 165 ■ *Effect.* The proposed amendment to the Law provides that the Community/Public Health Officer  
166 can organize the vaccination of individuals but removes the authority of the Community/Public  
167 Health Officer to order the vaccination of an individual. The Legislative Operating Committee  
168 wants to ensure that each person has a choice as to whether to receive a vaccination.

169 **F. *Extension of the Time Period for a Proclamation of an Emergency.*** The proposed amendments to  
170 the Law extend how long a proclamation of an emergency may last. The Law now provides that no  
171 proclamation of an emergency by the Oneida Business Committee or the Director may last for longer  
172 than sixty (60) days, unless the proclamation of emergency is extended by the Oneida Business  
173 Committee. [3 O.C. 302.8-2]. Previously, the Law provided that no proclamation of an emergency by  
174 the Oneida Business Committee or the Director may last for longer than thirty (30) days, unless renewed  
175 by the Oneida Business Committee.

- 176 ■ *Effect.* The proposed amendment to the Law extends how long a proclamation of an emergency  
177 may last in recognition that the Nation may experience longer lasting emergencies, such as the  
178 COVID-19 pandemic. The Legislative Operating Committee determined that the extension of the  
179 proclamation period from thirty (30) to sixty (60) days would be less tedious when extending an  
180 emergency proclamation for longer periods of time, but still ensures responsible governance and  
181 that the Oneida Business Committee is reviewing the conditions of the Nation to ensure an  
182 emergency still exists.

183 **G. *Responsibility of the Conservation Department.*** The proposed amendments to the Law provide that  
184 during a proclaimed emergency, the Conservation Department shall be responsible for the care,  
185 disposal, and sheltering of all abandoned domestic animals and livestock, and that the Conservation  
186 Department may delegate this responsibility to a contracted agency. [3 O.C. 302.8-5]. Previously the  
187 Law provided that the provisions of Chapter 34, Oneida Tribal Regulation of Domestic Animals  
188 Ordinance, shall not apply during a proclaimed emergency in addition to the statement that during a  
189 proclaimed emergency, the Conservation Department shall be responsible for the care, disposal, and  
190 sheltering of all abandoned domestic animals and livestock.

- 191 ■ *Effect.* The proposed amendment to the Law clarifies that the Domestic Animals law still remains  
192 in effect during a proclaimed emergency, but that it is simply the responsibility of the Conservation  
193 Department to maintain the care, disposal, and sheltering of all abandoned domestic animals and  
194 livestock. Additionally, the proposed amendment clarifies that the Conservation Department can  
195 delegate this responsibility to another agency, such as a Humane Society, through a contract.

196 **G. *Emergency Core Decision Making Team.*** The proposed amendments to the Law allow the Oneida  
197 Business Committee to establish an Emergency Core Decision Making Team upon the proclamation of  
198 an emergency under this Law. [3 O.C. 302.9-1]. The Oneida Business Committee is responsible for  
199 establishing the Team through the adoption of a motion, and through that motion identifying the  
200 positions of the Nation which shall make up the members of the Emergency Core Decision Making  
201 Team based on the type and severity of emergency the Nation is experiencing. [3 O.C. 302.9-1].  
202 Previously, the emergency amendments to the Law adopted in March 2020 provided that a COVID-19  
203 Core Decision Making Team would be created by the declaration of a public health emergency under

204 this Law, and would consist of the following persons: Oneida Business Committee Officers which  
205 includes the Chairperson, Vice Chairperson, Treasurer, Secretary; Legislative Operating Committee  
206 Chairperson; General Manager; Gaming General Manager; Gaming Assistant Chief Financial Officer;  
207 Chief Financial Officer; Intergovernmental Affairs and Communications Director; and Public Relations  
208 Director.

209 ■ *Effect.* The proposed amendments to the Law adopt on a permanent basis the inclusion of an  
210 Emergency Core Decision Making Team, but make adjustments from the COVID-19 Core  
211 Decision Making Team that was adopted through the emergency amendments. Instead of the  
212 Emergency Core Decision Making Team being automatically established upon the declaration of  
213 an emergency, the Oneida Business Committee now has to take the additional step of adopting a  
214 motion to establish the Emergency Core Decision Making Team when an emergency is proclaimed.  
215 This change to how the Emergency Core Decision Making Team is established was made due to  
216 the recognition that not every proclaimed emergency may warrant the need for an Emergency Core  
217 Decision Making Team. Additionally, the Law provides that the Oneida Business Committee will  
218 identify the positions of the Nation which shall make up the members of the Emergency Core  
219 Decision Making Team when the Team is established instead of the Law identifying these positions  
220 so that the Emergency Core Decision Making Team can be scaled to the specific type and severity  
221 of emergency the Nation is experiencing.

222 **B. *Delegation of Authority to the Emergency Core Decision Making Team.*** The proposed amendments  
223 provide what authority the Emergency Core Decision Making Team is delegated. [3 O.C. 302.9-2].  
224 The Emergency Core Decision Making Team shall have authority to declare exceptions to the Nation’s  
225 laws during the emergency period which will be of immediate impact for the purposes of protecting the  
226 health, safety, and general welfare of the community, members of the Nation, and employees of the  
227 Nation. [3 O.C. 302.9-2(a)]. The Emergency Core Decision Making Team is also delegated the  
228 authority to make these exceptions to the Nation’s laws notwithstanding the requirements of the  
229 Legislative Procedures Act. This means that the Emergency Core Decision Making team does not have  
230 to follow the requirements of the Legislative Procedures Act. The Emergency Core Decision Making  
231 Team is also delegated authority to declare an exception to any policy, procedure, regulation, or  
232 standard operating procedure of the Nation during the emergency period which will be of immediate  
233 impact for the purposes of protecting the health, safety, and general welfare of the Nation’s community,  
234 members, and employees. [3 O.C. 302.10-2(b)]. The Emergency Core Decision Making Team is  
235 delegated the authority to make these exceptions to the Nation’s policies, procedures, regulations, or  
236 standard operating procedures notwithstanding any requirements of the policies, procedures,  
237 regulations, or standard operating procedures. The authority delegated to the Emergency Core Decision  
238 Making Team through the proposed amendments is the same authority which was delegated to the  
239 COVID-19 Core Decision Making Team through the emergency amendments.

240 ■ *Effect.* The proposed amendments outline the specific authority granted to the Emergency Core  
241 Decision Making Team. The Emergency Core Decision Making Team is granted the authority to  
242 declare exceptions to a law, policy, procedure, regulation, or standard operating procedure of the  
243 Nation, notwithstanding the requirements of the Legislative Procedures Act or any other policy,  
244 procedure, regulation, or standard operating procedure, in an effort to provide the Emergency Core  
245 Decision Making Team the greatest flexibility in taking action to protect the health, safety, and  
246 general welfare of the Nation’s community, members, and employees from an emergency.



- 247 **C. *Declaration of an Exception.*** The proposed amendments outline the requirements for making a  
248 declaration and the duration of authority for declarations. [3 O.C. 302.9-3, 302.9-4]. Any declaration  
249 made by the Emergency Core Decision Making Team must be written on the Nation’s letterhead,  
250 provide the date the declaration was issued, contain a clear statement of the directives, provide the date  
251 the directive shall go into effect, be signed by the Oneida Business Committee Chairperson or Vice  
252 Chairperson in the Chairperson’s absence, and be posted on the Nation’s website. [3 O.C. 302.9-3(a)-  
253 (f)]. Declarations and actions taken by the Emergency Core Decision Making Team shall be effective  
254 upon the date declared by the Emergency Core Decision Making Team, and shall remain in effect for  
255 the duration of any declared emergency, or for a shorter time period if identified. [3 O.C. 302.9-4]. The  
256 requirements of a declaration and duration of a declaration provided through the proposed amendments  
257 is the same as the requirements of a declaration and duration of a declaration provided by the COVID-  
258 19 Core Decision Making Team through the emergency amendments.
- 259     ▪ *Effect.* The proposed amendments provide more information on how the Emergency Core Decision  
260 Making Team will make declarations of an exception to a law, policy, procedure, regulation, or  
261 standard operating procedure of the Nation, and for how long that declaration will remain in effect.
- 262 **D. *Notification to and Review by the Oneida Business Committee.*** The proposed amendments to the  
263 Law provide that within twenty-four (24) hours of a declaration being made, the Emergency Core  
264 Decision Making Team shall provide notification of the declaration to the Oneida Business Committee.  
265 [3 O.C. 302.9-5]. The Law also provides that the Oneida Business Committee may modify, extend, or  
266 repeal any declaration or emergency action taken by the Emergency Core Decision Making Team. [3  
267 O.C. 302.9-6].
- 268     ▪ *Effect.* The proposed amendments to the Law ensure that the Oneida Business Committee is always  
269 informed of any declarations that are made by the Emergency Core Decision Making Team, and  
270 clarify that the Oneida Business Committee ultimately has the final authority to modify, extend, or  
271 repeal any declaration made by the Emergency Core Decision Making Team.
- 272 **E. *Citations.*** The proposed amendments to the Law reorganize the enforcement and penalties provisions  
273 to clarify that an Oneida Police Department Officer may issue a citation to any person who violates a  
274 provision of this Law. [3 O.C. 302.10-2]. The citation for a violation of this law shall be processed in  
275 accordance with the procedure contained in the Nation’s Citations law. [3 O.C. 302.10-2(a)]. The  
276 Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific  
277 fine amounts for violations of this Law. [3 O.C. 302.10-2(b)]. Previously, the Law stated that violators  
278 of this Law may be subject to a fine of not more than two hundred dollars (\$200) per violation to be  
279 issued by the Oneida Police Department and paid to the Nation, and that all fines assessed under this  
280 section shall be paid within sixty (60) days of issuance of the citation, unless the person files an appeal  
281 with the Judiciary before the fine is to be paid.
- 282     ▪ *Effect.* The proposed amendment to the Law updates the language and process regarding citations  
283 for violations of this Law in order to conform with the Nation’s Citations law.
- 284 **F. *Minor Drafting Changes.*** Minor drafting and formatting changes have been made throughout the  
285 Law for clarity including the following:
- 286     ▪ The title of the Law was changed from “Emergency Management and Homeland Security” to  
287 “Emergency Management;”
  - 288     ▪ References to the “Emergency Management and Homeland Security Agency” were changed to  
289 the Emergency Management Department;” and

- 290       ▪ References to the “Oneida Community Health Services” was changed to the “Comprehensive  
291       Health Division.”  
292

## 293 **SECTION 6. EXISTING LEGISLATION**

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

- 295       ▪ *Citations law.* The Citations law provides a consistent process for handling citations of the Nation  
296       in order to ensure equal and fair treatment to all persons who come before the Judiciary to have  
297       their citations resolved. [8 O.C. 807.1-2]. The Citations law provides how a citation action is started  
298       – such as who has the authority to issue a citation, the requirements of the form of the citation, and  
299       how a citation is served and filed; stipulations for the settlement of a citation; and the citation  
300       hearing procedures. [8 O.C. 807].
- 301               ▪ This Law provides that a citation for a violation of this Law shall be processed in  
302               accordance with the procedure contained in the Nation’s laws and policies governing  
303               citations. [3 O.C. 302.10-2]. The Citations law is the Nation’s law governing citations.
- 304               ▪ Any citations issued by the Oneida Police Department for a violation of this Law must  
305               comply with the requirements and procedures of the Citations law.
- 306       ▪ *Oneida Personnel Policies and Procedures.* The Oneida Personnel Policies and Procedures is the  
307       Nation’s law which governs employment. The Oneida Personnel Policies and Procedures provides  
308       the process for handling complaints, disciplinary actions, and grievances. [Section V.D.].
- 309               ▪ This Law provides that an employee of the Nation who violates this Law during their  
310               work hours or who refuses to follow the Emergency Response Plan may be subject to  
311               disciplinary action in accordance with the Nation’s laws and policies governing  
312               employment. [3 O.C. 302.10-3].
- 313               ▪ This Law also provides that an employee of the Nation who is disciplined under this  
314               Law may appeal the disciplinary action in accordance with the Nation’s laws and  
315               policies governing employment. [3 O.C. 302.10-3(a)].
- 316               ▪ A supervisor would have to follow the disciplinary action procedure contained in the  
317               Oneida Personnel Policies and Procedures to hold an employee accountable for a  
318               violation of this Law.

### 319 **B.** The proposed amendments to the Law have the follow impact on existing legislation of the Nation.

- 320       ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal  
321       Council on January 7, 2013, for the purpose of providing a standard process for the adoption of laws  
322       of the Nation which includes taking into account comments from members of the Nation and input  
323       from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
- 324               ▪ The Legislative Procedures Act provides a process for the adoption of emergency  
325               legislation when the legislation is necessary for the immediate preservation of the  
326               public health, safety, or general welfare of the Reservation population and the  
327               enactment or amendment of legislation is required sooner than would be possible under  
328               this law. [1 O.C. 109.9-5].
- 329               ▪ The Legislative Operating Committee is responsible for first reviewing the  
330               emergency legislation and for forwarding the legislation to the Oneida  
331               Business Committee for consideration. [1 O.C. 109.9-5(a)].

- 332           ▪ The proposed emergency legislation is required to have a legislative analysis  
333 completed and attached prior to being sent to the Oneida Business Committee  
334 for consideration. [1 O.C. 109.9-5(a)].
  - 335               ▪ A legislative analysis is a plain language analysis describing the  
336 important features of the legislation being considered and factual  
337 information to enable the Legislative Operating Committee to make  
338 informed decisions regarding legislation. A legislative analysis  
339 includes a statement of the legislation’s terms and substance; intent of  
340 the legislation; a description of the subject(s) involved, including any  
341 conflicts with Oneida or other law, key issues, potential impacts of the  
342 legislation and policy considerations. [1 O.C. 109.3-1(g)].
  - 343               ▪ Emergency legislation does not require a fiscal impact statement to be  
344 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
  - 345               ▪ Upon the determination that an emergency exists the Oneida Business  
346 Committee can adopt emergency legislation. The emergency legislation  
347 becomes effective immediately upon its approval by the Oneida Business  
348 Committee. [1 O.C. 109.9-5(b)].
  - 349               ▪ Emergency legislation remains in effect for a period of up to six (6) months,  
350 with an opportunity for a one-time emergency law extension of up to six (6)  
351 months. [1 O.C. 109.9-5(b)].
- 352           ▪ Section 302.9-2(a) of the proposed emergency amendments to this Law conflict with  
353 section 109.9-5 of the Legislative Procedures Act. The Legislative Procedures Act  
354 provides a clear process for how the Nation is expected to handle emergency  
355 legislation. The proposed amendments allow the Emergency Core Decision Making  
356 Team the authority to declare exceptions to laws of the Nation notwithstanding any  
357 requirements of the Legislative Procedures Act.
- 358           ▪ Although the proposed amendments conflict with the Legislative Procedures Act, the  
359 Oneida Business Committee is being asked to consider the adoption of this amendment  
360 due to the fact that the Nation needs to be able to address its internal governmental  
361 operations and laws as they relate to an emergency on a daily, or even hourly basis in  
362 order to provide the best effort of protection the health, safety, and general welfare of  
363 the Reservation population.
- 364           ▪ The proposed amendments allocation of authority to the Emergency Core Decision  
365 Making Team to declare exceptions to the Nation’s laws during the emergency period  
366 which will be of immediate impact for the purposes of protecting the health, safety,  
367 and general welfare of the Nation’s community, members, and employees will  
368 supersede the requirements of the Legislative Procedures Act when the Nation has  
369 proclaimed an emergency.

## 371 **SECTION 7. ENFORCEMENT AND ACCOUNTABILITY**

372 **A. Enforcement.** The Oneida Police Department is delegated enforcement authority under this Law.

- 373           ▪ The Oneida Police Department shall take enforcement action when necessary and work with the  
374 Community/Public Health Officer to execute the Community/Public Health Officer’s orders and  
375 properly guard any place if quarantine, isolation, or other restrictions on communicable disease are

- 376 violated or intent to violate becomes apparent. [3 O.C. 302.7-7].  
377     ▪ An officer of the Oneida Police Department may issue a citation to any person who violates a  
378 provision of this Law. [3 O.C. 302.10-2].  
379 **B. Citation Schedule Resolution.** The Oneida Business Committee is delegated the authority to adopt  
380 through resolution a citation schedule which sets forth specific fine amounts for violations of this Law.  
381 [3 O.C. 302.10-2(b)].  
382

## 383 **SECTION 8. OTHER CONSIDERATIONS**

- 384 **A. Deadline for Permanent Adoption of Amendments.** The emergency amendments to the Law, as  
385 adopted by the Oneida Business Committee through BC-03-17-20-E, and extended through BC-08-26-  
386 20-A, will expire on March 17, 2021.  
387     ▪ *Conclusion:* The Legislative Operating Committee will need to complete the development and  
388 adoption of permanent amendments to this Law prior to March 17, 2021.
- 389 **B. Citation Schedule.** This Law provides that the Oneida Business Committee shall hereby be delegated  
390 the authority to adopt through resolution a citation schedule which sets forth specific fine amounts for  
391 violations of this Law. [3 O.C. 302.10-2(b)]. A citation schedule will need to be developed and adopted.  
392 On March 19, 2020, the Nation’s COVID-19 Core Decision Making Team issued a declaration titled,  
393 “*Emergency Management and Homeland Security Law Fine and Penalty Schedule*” which set forth a  
394 fine schedule for violations of the Law. This declaration can be used in the development of a citations  
395 schedule.  
396     ▪ *Conclusion.* The Legislative Operating Committee should plan to develop and bring a proposed  
397 citation schedule resolution to the Oneida Business Committee for consideration at the time these  
398 amendments are up for adoption.
- 399 **C. Fiscal Impact.** A fiscal impact statement of the proposed amendments to the Law will have to be  
400 requested. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation  
401 except emergency legislation. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-  
402 A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*”  
403 provides further clarification on who the Legislative Operating Committee may direct complete a fiscal  
404 impact statement at various stages of the legislative process, as well as timeframes for completing the  
405 fiscal impact statement.  
406     ▪ *Conclusion.* The Legislative Operating Committee will have to determine which entity is best  
407 suited to complete a fiscal impact statement, and direct that a fiscal impact statement be completed.

408

Title 3. Health and Public Safety – Chapter 302

Yotlihokté Olihwá'ke

Matters that are concerning immediate attention

EMERGENCY MANAGEMENT ~~AND HOMELAND SECURITY~~

302.1. Purpose and Policy

302.2. Adoption, Amendment, Conflicts

302.3. Definitions

302.4. Emergency Management ~~Homeland Security~~ Department

302.5. Oneida Nation Emergency Planning Committee (~~ONEPC~~)

302.6. ~~Tribal~~ Entity Cooperation

302.7. Public Health Emergencies ~~and Communicable Disease~~

302.8. ~~When Proclamation of~~ an Emergency ~~is Proclaimed~~

302.9. ~~Emergency Enforcement and Penalties~~

~~302.10. COVID-19~~ Core Decision Making Team

~~302.10. Enforcement and Penalties-~~

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**302.1. Purpose and Policy**

302.1-1. ~~—Purpose.~~ The ~~purposes~~ purpose of this law ~~are~~ is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; ~~and~~
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; ~~and~~
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. ~~—Policy.~~ It is the policy of ~~this law~~ the Nation to provide:

- (a) a description of the emergency management network of the Nation; ~~and~~
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of ~~Tribal~~ the Nation's emergency response ~~management~~ plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

**302.2. Adoption, Amendment, ~~Conflicts~~ Repeal**

302.2-1. ~~—~~This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A and amended by ~~resolution~~ BC-12-20-06-G, BC-05-13-09-F, and ~~emergency amended by BC-03-17-20-E~~ BC- - - - .

302.2-2. ~~—~~This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. ~~—~~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.

302.2-4. ~~—~~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.

302.2-5. ~~—~~This law is adopted under authority of the Constitution of the Oneida Nation.

**302.3. Definitions**

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

38 (a) “Biological ~~Agent~~agent” means an infectious disease or toxin that has the ability to  
39 adversely affect human health in a variety of ways, from mild allergic reactions to serious  
40 medical conditions, and including death.

41 (b) “Communicable ~~Disease~~disease” means any disease transmitted from one person or  
42 animal to another directly by contact with excreta or other discharges from the body, or  
43 indirectly via substances or inanimate objects that may cause a public health emergency.

44 (c) “Community/Public Health Officer” means an agent of the ~~OCHS~~Comprehensive  
45 Health Division, or his or her designee(s), who is responsible for taking the appropriate  
46 actions in order to prevent a public health emergency from occurring on the Reservation.

47 ~~(d) “COVID-19” means a mild to severe respiratory illness that is caused by a coronavirus,~~  
48 ~~is transmitted chiefly by contact with infectious material, and is characterized especially~~  
49 ~~by fever, cough and shortness of breath and may progress to pneumonia and respiratory~~  
50 ~~failure.~~

51 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,  
52 which is authorized to issue compulsory vaccinations, require isolation, and quarantine  
53 individuals in order to protect the public health.

54 (e) “Director” means the Director of the Nation’s Emergency Management/ and  
55 Homeland Security Agency.

56 ~~(f)~~ (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,  
57 property, or environment which requires urgent intervention to prevent further illness,  
58 injury, death, or other worsening of the situation.

59 (g) “Emergency Management Network” means the entities, volunteers, consultants,  
60 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-  
61 agency collaboration, identify and share resources, and better prepare for local incidents  
62 and large-scale disasters.

63 ~~(g)~~ (h) “Emergency ~~Operations~~Response Plan” means the plan established to coordinate  
64 mitigation, preparedness, response, and recovery activities for all emergency or disaster  
65 situations within the Reservation.

66 ~~(h)~~ (i) “Entity” means any ~~Tribal~~ agency, board, committee, commission, or department  
67 of the Nation.

68 ~~(i)~~ (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,  
69 absent of a disaster.

70 ~~(j)~~ (k) “Isolation” means the separation of persons or animals presumably or actually  
71 infected with a communicable disease, or that are disease carriers, for the usual period of  
72 communicability of that disease in such places and under such conditions as will prevent  
73 the direct or indirect transmission of an infectious agent to susceptible people or to those  
74 who may spread the agent to others.

75 ~~(k)~~ (l) “Judiciary” means the judicial system that was established by Oneida General  
76 Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and  
77 responsibilities of the Nation.

78 ~~(l)~~ (m) “Nation” means the Oneida Nation.

79 ~~(m)~~ (n) “National Incident Management System” or “NIMS” means the system mandated  
80 by Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that  
81 provides a consistent nationwide approach for federal, state, local, and tribal governments  
82 to work effectively and efficiently together to prepare for, prevent, respond to, and recover  
83 from domestic incidents, regardless of cause, size, or complexity.

84 ~~(n) “OCHS” means the Oneida Community Health Services, which is authorized to issue~~

~~compulsory vaccinations, require isolation, and quarantine individuals in order to protect the public health.~~

(o) ~~“Oneida Nation Emergency Planning Committee” or “ONEPC”~~ means the committee that assists the Director in the implementation of this law.

(p) ~~“Proclaim”~~ means to announce officially and publicly.

(q) ~~“Public Health Emergency”~~ means the occurrence or imminent threat of an illness or health condition which:

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

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

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

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

(r) ~~“Quarantine”~~ means the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease or chemical, biological, or radiological agent, for a period of time equal to the longest usual incubation period of the disease or until there is no risk of spreading the chemical, biological, or radiological agent. The limitation of movement shall be in such manner as to prevent the spread of a communicable disease or chemical, biological, or radiological agent.

(s) ~~“Reservation”~~ means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(t) ~~“Vital Resourcesresources”~~ means food, water, equipment, sand, wood, or other materials obtained for the protection of life, property, and/or the environment during a proclaimed emergency.

#### **302.4. Emergency Management/~~Homeland Security~~ Department**

302.4-1. ~~There is hereby created an~~The Emergency Management/~~Homeland Security Agency~~ ~~which is~~ Department shall be responsible for planning and coordinating the response to a disaster or emergency that occurs within the boundaries of the Reservation.

302.4-2. ~~— Authority of the Director.~~ The Director shall be responsible for coordinating and planning the operational response to an emergency and is hereby empowered to:

(a) ~~organize and coordinate efforts of the emergency management network of the Nation;~~

(b) ~~implement the Emergency~~ OperationsResponse Plan as adopted by the Oneida Business Committee;

(c) ~~facilitate coordination and cooperation between entities and resolve questions that may arise among them;~~

(d) ~~incorporate the HSPD 5, issued on February 28, 2003~~ which requires all ~~Federal~~federal, state, local, and tribal governments to administer the best practices contained in the NIMS;

(e) ~~coordinate the development and implementation of the NIMS within the Nation;~~

(f) ~~ensure that the following occurs:~~

(1) ~~an Emergency~~ OperationsResponse Plan is developed and maintained, and includes training provisions for applicable personnel;

(2) emergency resources, equipment, and communications systems are developed, procured, supplied, inventoried, and accounted for;

(g) establish the line of authority as recorded in the Emergency ~~Operations~~ Response Plan as adopted by the Oneida Business Committee; and

(h) enter into mutual aid and service agreements with tribal, local, state, and federal governments, subject to Oneida Business Committee approval.

302.4-3. ~~In~~ Action when an Emergency is Proclaimed. In addition, in the event of a proclamation of an emergency on the Reservation, the Director is hereby empowered:

(a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon approval of the Emergency Management/~~Homeland Security~~ purchasing agent, who is identified in the Emergency ~~Operations~~ Response Plan. If a person or business refuses to provide the resource(s) required, the Director may commandeer resources for public use and bind the Nation for the fair market value thereof. In the event the purchasing agent is unavailable, the chain of command, as approved by the Oneida Business Committee, shall be followed.

(b) to require emergency activities of as many ~~Tribal~~ members of the Nation and/or employees as deemed necessary.

(c) to execute all of the ordinary powers of the Director, all of the special powers conferred by this law or by resolution adopted pursuant thereto, all powers conferred on the Director by any agreement approved by the Oneida Business Committee, and to exercise complete emergency authority over the Reservation.

(d) to coordinate with tribal, federal, state, and local authorities.

### **302.5. Oneida Nation Emergency Planning Committee (~~ONEPC~~)**

302.5-1.— The ~~ONEPC~~ Oneida Nation Emergency Planning Committee shall consist of representatives from entities and a community representative as identified in the ~~ONEPC~~ Oneida Nation Emergency Planning Committee bylaws as approved by the Oneida Business Committee.

302.5-2.— The ~~ONEPC~~ Oneida Nation Emergency Planning Committee shall meet as necessary to assist the Director in drafting and maintaining the Emergency ~~Operations~~ Response Plan.

302.5-3.— At the request of the Director, the ~~ONEPC~~ Oneida Nation Emergency Planning Committee shall provide assistance to the Director in the implementation of the provisions of this law or any plan issued thereunder.

### **302.6. ~~Tribal~~ Entity Cooperation**

302.6-1.— All entities shall comply with reasonable requests from the Director relating to emergency planning, emergency operations, and federal mandate compliance.

~~302.6-2.— A person who is disabled or dies while serving as a public safety officer, as defined in the Public Safety Officers' Benefits Program, the spouse of that person and/or any children of that person may be eligible for benefits as determined by the Bureau of Justice Assistance under the Public Safety Officers' Benefits Program, 42 U.S.C. ch. 46, subch. XII.~~

302.6-2. The Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer.

### **302.7. Public Health Emergencies ~~and Communicable Disease~~**

302.7-1.— In order to prevent a public health emergency, the Director and the Community/Public Health Officer shall take action to limit the spread of any communicable disease, in accordance with this law.



178 302.7-2. Investigation of Communicable Disease. If the Community/Public Health Officer  
179 suspects or is informed of the existence of any communicable disease, the Community/Public  
180 Health Officer shall investigate and make or cause examinations to be made, as are deemed  
181 necessary.

182 ~~302.7-3. The Community/Public Health Officer may quarantine, isolate, require restrictions, or~~  
183 ~~take other communicable disease control measures as necessary. Any individual, including an~~  
184 ~~authorized individual, who enters an isolation or quarantine premises may be subject to isolation~~  
185 ~~or quarantine under this law.~~ Quarantinable Diseases. The Community/Public Health Officer shall  
186 provide a list of quarantinable diseases specified in a resolution to be adopted by the Oneida  
187 Business Committee.

188 ~~302.7-4.(a) The list Authority of quarantinable diseases shall be specified in a resolution adopted~~  
189 ~~by the Oneida Business Committee as recommended by the~~ the Community/Public Health Officer.  
190 The Community/Public Health Officer shall act as necessary to protect the public including, but  
191 not limited to, the following actions:

192 ~~(b)~~(a) Request the Director to take the necessary steps to have a public health emergency  
193 proclaimed;

194 (b) Quarantine, isolate, or take other communicable disease control measures upon an  
195 individual(s); and

196 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any  
197 communicable disease to any individual, business, or the general population of the  
198 Reservation.

199 302.7-5. Quarantine and Isolation. The Community/Public Health Officer shall immediately  
200 quarantine, isolate, and/or take other communicable disease control measures upon an individual  
201 if the Community/Public Health Officer receives a diagnostic report from a physician or a written  
202 or verbal notification from an individual or his or her parent or caretaker that gives the  
203 Community/Public Health Officer a reasonable belief that the individual has a communicable  
204 disease that is likely to cause a public health emergency.

205 ~~(c) When the Community/Public Health Officer deems it necessary that an individual be~~  
206 ~~quarantined or otherwise restricted in a separate place, the Community/Public Health~~  
207 ~~Officer shall have that individual removed to such a designated place, if it can be done~~  
208 ~~without danger to the individual's health.~~

209 ~~Cross reference: See also Resolution Identifying Quarantinable Diseases BC-05-13-09-G.~~

210 -  
211 ~~(a) 302.7-4. The Community/Public Health Officer shall act as necessary to protect the~~  
212 ~~public, including requesting the Director to take steps to have a public health emergency~~  
213 ~~proclaimed, as identified in 302.8.~~

214 ~~302.7-5. If an individual is infected with a communicable disease and the~~  
215 ~~Community/Public Health Officer determines it is necessary to limit contact with the~~  
216 ~~individual, all persons may be forbidden from being in direct contact with the infected~~  
217 ~~individual, except for those persons having a special written permit from the~~  
218 ~~Community/Public Health Officer.~~

219 (b) Any individual, including an authorized individual, who enters an isolation or quarantine  
220 premises may be subject to isolation or quarantine under this 302.7-6. ~~The Nation's law~~  
221 ~~enforcement agency shall work with the Community/Public Health Officer to execute the~~  
222 ~~Community/Public Health Officer's orders and properly guard any place if quarantine or other~~  
223 ~~restrictions on communicable disease are violated or intent to violate is manifested.~~

224 ~~302.7-7. Expenses for~~ law.

225 (c) When the Community/Public Health Officer deems it necessary ~~medical care, food, and other~~  
226 ~~articles needed for an infected individual shall be charged against the individual or whoever is~~  
227 ~~liable for the individual's support. The OCHS is responsible for the following costs accruing under~~  
228 ~~this section unless the costs are payable through third party liability or through any benefit system:~~

229 (a) ~~the expense for law enforcement assistance under 302.7-4.~~

230 (b) ~~the expense of maintaining quarantine and isolation of the~~that an individual be  
231 ~~quarantined area.~~

232 (c) ~~the expense of conducting examinations and tests made under the direction~~  
233 ~~of, isolated, or otherwise restricted in a separate place,~~ the Community/Public Health  
234 Officer shall have that individual removed to such a designated place, if it can be done  
235 without danger to the individual's health.

236 (d) ~~the expense of care for dependent persons of the infected individual.~~

237 ~~302.7-8. When~~302.7-6. Action when a Public Health Emergency is Proclaimed. In addition,  
238 when a public health emergency is proclaimed, the Community/Public Health Officer may do all  
239 of the following, as necessary:

240 (a) ~~order~~ organize the vaccination of individuals;

241 (1) The following types of individuals shall not be subject to a vaccination:

242 (A) an individual ~~to receive a vaccination, unless~~who the vaccination is  
243 reasonably likely to lead to serious harm to the individual ~~or the;~~ and

244 (B) an individual, for reason of religion or conscience, refuses to obtain the  
245 vaccination.

246 (b) ~~isolate or quarantine individuals, including those who are unable or unwilling to~~  
247 ~~receive the~~ a vaccination ~~under (a); and~~

248 (c) ~~prevent any individual, except for those individuals authorized by the~~  
249 ~~Community/Public Health Officer, from entering an isolation or quarantine premises.~~

### 251 ~~302.8. When an Emergency is Proclaimed~~

252 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work  
253 with the Community/Public Health Officer to execute the Community/Public Health Officer's  
254 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable  
255 disease are violated or intent to violate becomes apparent.

256 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected  
257 individual shall be charged against the individual or whoever is liable for the individual's care and  
258 support.

### 260 302.8. Proclamation of an Emergency

261 302.8-1. — Proclamation of an Emergency. The Oneida Business Committee shall be responsible  
262 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or  
263 presidential declaration.

264 (a) ~~302.8-2.~~ The Director may request that the Oneida Business Committee proclaim the  
265 existence of an emergency. The Oneida Business Committee may proclaim the existence  
266 of an emergency without a request from the Director, if warranted.

267 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the  
268 existence of an emergency, the Director may proclaim an emergency which shall be in  
269 effect until such time the Oneida Business Committee can officially ratify this declaration.  
270 ~~The Oneida Business Committee may proclaim the existence of an emergency without a~~  
271 ~~request from the Director, if warranted.~~

272 ~~302.8-2. 302.8-3.~~ The emergency management network of the Reservation shall be as  
273 specified in the Emergency Operations Plan, as adopted by the Oneida Business Committee.

274 ~~302.8-4.~~ The provisions of Chapter 34, *Oneida Tribal Regulation of Domestic Animals*  
275 *Ordinance*, shall not apply during a proclaimed emergency. During a proclaimed emergency, the  
276 Conservation Department shall be responsible for the care, disposal, and sheltering of all  
277 abandoned domestic animals and livestock.

278 ~~302.8-5.~~ No proclamation of an emergency by the Oneida Business Committee or the Director  
279 may last for longer than ~~thirty (30)~~sixty (60) days, unless ~~renewed~~the proclamation of emergency  
280 is extended by the Oneida Business Committee.

281 302.8-3. Management Network. The emergency management network of the Reservation shall  
282 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

283 302.8-4. After-Action Report. After an emergency has subsided, the Director shall prepare, or  
284 shall work in conjunction with the appropriate entity to prepare, an after-action report to be  
285 presented to the Oneida Business Committee, any interested entity, and the public. -This report  
286 shall be presented to the required parties no ~~longer~~later than sixty (60) days after the emergency  
287 has subsided, unless an extension is granted by the Oneida Business Committee.

288 302.8-5. During

289 ~~**302.9. Enforcement and Penalties**~~

290 ~~302.9-1.~~ It shall be a violation of this law for any person to willfully obstruct, hinder, or delay  
291 the implementation or enforcement of the provisions of this law or any plan issued thereunder,  
292 whether or not an emergency has been proclaimed.

293 (a) ~~Violators of this law may be subject to a fine of not more than \$200 per violation to be issued~~  
294 ~~by the Oneida Police Department and paid to the Nation. Employees of the Nation who violate~~  
295 ~~this law during their work hours or who refuse to follow the~~ a proclaimed emergency, the  
296 Conservation Department shall be responsible for the care, disposal, and sheltering of all  
297 abandoned domestic animals and livestock. The Conservation Department may delegate this  
298 responsibility to a contracted agency.

299  
300 ~~**302.9.**~~ Emergency Operations Plan may be subject to disciplinary action instead of a  
301 fine**Emergency Core Decision Making Team**

302 =  
303 ~~302.9-2.~~ All fines assessed under this section shall be paid within sixty (60) days of issuance of  
304 the citation, unless the person files an appeal with the Judiciary before the fine is to be paid.

305 ~~302.9-3.~~ Employees of the Nation who are disciplined under this law may appeal the disciplinary  
306 action in accordance with the personnel policies and procedures of the Nation.

307  
308 ~~**302.10. COVID-19 Core Decision Making Team**~~

309 ~~302.10-1.~~ Creation of~~302.9-1.~~ Emergency Core Decision Making Team. Upon the proclamation  
310 of an emergency under this law, the Oneida Business Committee may establish an Emergency  
311 Core Decision Making Team through the adoption of a motion. The motion shall identify the  
312 positions of the Nation which shall make up the members of the Emergency Core Decision Making  
313 Team based on the type and severity of emergency the Nation is experiencing.

314 ~~302.9-2.~~ Core Decision Making Team. There is hereby created a COVID-19 Core Decision  
315 Making Team (*COVID-19 Team*) which shall exist by declaration of a public health emergency  
316 under this law. The COVID-19 Team shall be made up of the following persons:

- 317 (a) ~~Oneida Business Committee Officers which includes the Chairperson, Vice~~  
318 ~~Chairperson, Treasurer, Secretary;~~

- ~~(b) Legislative Operating Committee Chairperson;~~
- ~~(c) General Manager;~~
- ~~(d) Gaming General Manager;~~
- ~~(e) Gaming Assistant Chief Financial Officer;~~
- ~~(f) Chief Financial Officer;~~
- ~~(g) Intergovernmental Affairs and Communications Director; and~~
- ~~(h) Public Relations Director.~~

~~302.10-2. Delegation of Authority. The COVID-19~~The Emergency Core Decision Making Team shall have emergency authority to take the following actions:

- (a) Notwithstanding any requirements of the Legislative Procedures Act, declare exceptions to the Nation's laws 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; ~~and~~
- (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard operating procedures, declare exceptions to any policy, procedure, regulation, or standard operating procedure during the emergency period which will be of immediate impact for the purposes of protecting the health, safety, and general welfare of the ~~the~~ Nation's community, members, and employees.

~~302.10-3. Duration of Authority for Exceptions Declared by the COVID-19 Team. Any actions taken under authority granted in this section shall be effective upon the date declared by the COVID-19 Team and shall be effective for the duration of any declared emergency, or for a shorter time period if identified.~~

- ~~(a) The Oneida Business Committee may change or extend any emergency actions taken by the COVID-19 Team.~~

~~302.10-4. Declarations.~~ All declarations made by the ~~COVID-19~~Emergency Core Decision Making Team shall:

- (a) be written on the Nation's letterhead;
- (b) provide the date the declaration was issued;
- (c) contain a clear statement of the directives;
- (d) provide the date the directive shall go into effect;
- (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the Chairperson's absence; and
- (f) be posted on the Nation's ~~COVID-19 web site~~website.

~~302.9-4. Duration of Authority for Exceptions Declared by the Emergency Core Decision Making Team. Any declaration made under the authority granted in this section shall be effective upon the date declared by the Emergency Core Decision Making Team and shall be effective for the duration of any proclaimed emergency, or for a shorter time period if identified.~~

~~302.9-5. Notification to the Oneida Business Committee. Within twenty-four (24) hours of a declaration being made, the Emergency Core Decision Making Team shall provide notification of the declaration to the Oneida Business Committee.~~

~~302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team.~~

## 302.10. Enforcement and Penalties

~~302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued thereunder, whether or not an emergency has been proclaimed.~~

366 302.10-2. Citations. An Oneida Police Department officer may issue a citation to any person who  
367 violates a provision of this law.

368 (a) A citation for a violation of this law shall be processed in accordance with the procedure  
369 contained in the Nation’s laws and policies governing citations.

370 (b) The Oneida Business Committee shall adopt through resolution a citation schedule  
371 which sets forth specific fine amounts for violations of this law.

372 302.10-3. Disciplinary Action. An employee of the Nation who violates this law during their work  
373 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action  
374 in accordance with the Nation’s laws and policies governing employment.

375 (a) An employee of the Nation who is disciplined under this law may appeal the  
376 disciplinary action in accordance with the Nation’s laws and policies governing  
377 employment.

378  
379 *End.*

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380  
381 Adopted - BC-07-15-98-A  
382 Amended - BC-12-20-06-G  
383 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))  
384 Amended- BC-05-13-09-F  
385 Emergency Amended – BC-03-17-20-E (COVID-19)  
386 Extension of Emergency – BC-08-26-20-A  
387 Amended – BC- - - -

**Title 3. Health and Public Safety – Chapter 302**  
**Yotlihokté Olihwá·ke**  
*Matters that are concerning immediate attention*  
**EMERGENCY MANAGEMENT**

302.1. Purpose and Policy  
302.2. Adoption, Amendment, Conflicts  
302.3. Definitions  
302.4. Emergency Management Department  
302.5. Oneida Nation Emergency Planning Committee

302.6. Entity Cooperation  
302.7. Public Health Emergencies  
302.8. Proclamation of an Emergency  
302.9. Emergency Core Decision Making Team  
302.10. Enforcement and Penalties

**302.1. Purpose and Policy**

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

**302.2. Adoption, Amendment, Repeal**

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A and amended by resolution BC-12-20-06-G, BC-05-13-09-F, and BC-\_\_-\_\_-\_\_-\_\_.

302.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. 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.

302.2-4. 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.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**302.3. Definitions**

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical conditions, and including death.

- 39 (b) “Communicable disease” means any disease transmitted from one person or animal to  
40 another directly by contact with excreta or other discharges from the body, or indirectly via  
41 substances or inanimate objects that may cause a public health emergency.
- 42 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health  
43 Division, or his or her designee(s), who is responsible for taking the appropriate actions in  
44 order to prevent a public health emergency from occurring on the Reservation.
- 45 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,  
46 which is authorized to issue compulsory vaccinations, require isolation, and quarantine  
47 individuals in order to protect the public health.
- 48 (e) “Director” means the Director of the Nation’s Emergency Management and Homeland  
49 Security Agency.
- 50 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,  
51 property, or environment which requires urgent intervention to prevent further illness,  
52 injury, death, or other worsening of the situation.
- 53 (g) “Emergency Management Network” means the entities, volunteers, consultants,  
54 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-  
55 agency collaboration, identify and share resources, and better prepare for local incidents  
56 and large-scale disasters.
- 57 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,  
58 preparedness, response, and recovery activities for all emergency or disaster situations  
59 within the Reservation.
- 60 (i) “Entity” means any agency, board, committee, commission, or department of the  
61 Nation.
- 62 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,  
63 absent of a disaster.
- 64 (k) “Isolation” means the separation of persons or animals presumably or actually infected  
65 with a communicable disease, or that are disease carriers, for the usual period of  
66 communicability of that disease in such places and under such conditions as will prevent  
67 the direct or indirect transmission of an infectious agent to susceptible people or to those  
68 who may spread the agent to others.
- 69 (l) “Judiciary” means the judicial system that was established by Oneida General Tribal  
70 Council resolution GTC-01-07-13-B to administer the judicial authorities and  
71 responsibilities of the Nation.
- 72 (m) “Nation” means the Oneida Nation.
- 73 (n) “National Incident Management System” or “NIMS” means the system mandated by  
74 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that  
75 provides a consistent nationwide approach for federal, state, local, and tribal governments  
76 to work effectively and efficiently together to prepare for, prevent, respond to, and recover  
77 from domestic incidents, regardless of cause, size, or complexity.
- 78 (o) “Oneida Nation Emergency Planning Committee” means the committee that assists the  
79 Director in the implementation of this law.
- 80 (p) “Proclaim” means to announce officially and publicly.
- 81 (q) “Public Health Emergency” means the occurrence or imminent threat of an illness or  
82 health condition which:
- 83 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a  
84 biological agent; and

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

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

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

91 (r) "Quarantine" means the limitation of freedom of movement of persons or animals that  
92 have been exposed to a communicable disease or chemical, biological, or radiological  
93 agent, for a period of time equal to the longest usual incubation period of the disease or  
94 until there is no risk of spreading the chemical, biological, or radiological agent. The  
95 limitation of movement shall be in such manner as to prevent the spread of a communicable  
96 disease or chemical, biological, or radiological agent.

97 (s) "Reservation" means all land within the exterior boundaries of the Reservation of the  
98 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and  
99 any lands added thereto pursuant to federal law.

100 (t) "Vital resources" means food, water, equipment, sand, wood, or other materials  
101 obtained for the protection of life, property, and/or the environment during a proclaimed  
102 emergency.

#### 103 **302.4. Emergency Management Department**

104 302.4-1. The Emergency Management Department shall be responsible for planning and  
105 coordinating the response to a disaster or emergency that occurs within the boundaries of the  
106 Reservation.

107 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and  
108 planning the operational response to an emergency and is hereby empowered to:

109 (a) organize and coordinate efforts of the emergency management network of the Nation;

110 (b) implement the Emergency Response Plan as adopted by the Oneida Business  
111 Committee;

112 (c) facilitate coordination and cooperation between entities and resolve questions that may  
113 arise among them;

114 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments  
115 to administer the best practices contained in the NIMS;

116 (e) coordinate the development and implementation of the NIMS within the Nation;

117 (f) ensure that the following occurs:

118 (1) an Emergency Response Plan is developed and maintained, and includes  
119 training provisions for applicable personnel;

120 (2) emergency resources, equipment, and communications systems are developed,  
121 procured, supplied, inventoried, and accounted for;

122 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted  
123 by the Oneida Business Committee; and

124 (h) enter into mutual aid and service agreements with tribal, local, state, and federal  
125 governments, subject to Oneida Business Committee approval.

126 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of  
127 an emergency on the Reservation, the Director is hereby empowered:

128 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon  
129 approval of the Emergency Management purchasing agent, who is identified in the  
130 Emergency Response Plan. If a person or business refuses to provide the resource(s)



132 required, the Director may commandeer resources for public use and bind the Nation for  
133 the fair market value thereof. In the event the purchasing agent is unavailable, the chain of  
134 command, as approved by the Oneida Business Committee, shall be followed.

135 (b) to require emergency activities of as many members of the Nation and/or employees  
136 as deemed necessary.

137 (c) to execute all of the ordinary powers of the Director, all of the special powers conferred  
138 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director  
139 by any agreement approved by the Oneida Business Committee, and to exercise complete  
140 emergency authority over the Reservation.

141 (d) to coordinate with tribal, federal, state, and local authorities.

### 142 143 **302.5. Oneida Nation Emergency Planning Committee**

144 302.5-1. The Oneida Nation Emergency Planning Committee shall consist of representatives from  
145 entities and a community representative as identified in the Oneida Nation Emergency Planning  
146 Committee bylaws as approved by the Oneida Business Committee.

147 302.5-2. The Oneida Nation Emergency Planning Committee shall meet as necessary to assist the  
148 Director in drafting and maintaining the Emergency Response Plan.

149 302.5-3. At the request of the Director, the Oneida Nation Emergency Planning Committee shall  
150 provide assistance to the Director in the implementation of the provisions of this law or any plan  
151 issued thereunder.

### 152 153 **302.6. Entity Cooperation**

154 302.6-1. All entities shall comply with reasonable requests from the Director relating to  
155 emergency planning, emergency operations, and federal mandate compliance.

156 302.6-2. The Nation may implement more strict policies or requirements than those issued by the  
157 Community/Public Health Officer.

### 158 159 **302.7. Public Health Emergencies**

160 302.7-1. In order to prevent a public health emergency, the Director and the Community/Public  
161 Health Officer shall take action to limit the spread of any communicable disease, in accordance  
162 with this law.

163 302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer  
164 suspects or is informed of the existence of any communicable disease, the Community/Public  
165 Health Officer shall investigate and make or cause examinations to be made, as are deemed  
166 necessary.

167 302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of  
168 quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

169 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health  
170 Officer shall act as necessary to protect the public including, but not limited to, the following  
171 actions:

172 (a) Request the Director to take the necessary steps to have a public health emergency  
173 proclaimed;

174 (b) Quarantine, isolate, or take other communicable disease control measures upon an  
175 individual(s); and

176 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any  
177 communicable disease to any individual, business, or the general population of the  
178 Reservation.

179 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately  
180 quarantine, isolate, and/or take other communicable disease control measures upon an individual  
181 if the Community/Public Health Officer receives a diagnostic report from a physician or a written  
182 or verbal notification from an individual or his or her parent or caretaker that gives the  
183 Community/Public Health Officer a reasonable belief that the individual has a communicable  
184 disease that is likely to cause a public health emergency.

185 (a) If an individual is infected with a communicable disease and the Community/Public  
186 Health Officer determines it is necessary to limit contact with the individual, all persons  
187 may be forbidden from being in direct contact with the infected individual, except for those  
188 persons having a special written permit from the Community/Public Health Officer.

189 (b) Any individual, including an authorized individual, who enters an isolation or  
190 quarantine premises may be subject to isolation or quarantine under this law.

191 (c) When the Community/Public Health Officer deems it necessary that an individual be  
192 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public  
193 Health Officer shall have that individual removed to such a designated place, if it can be  
194 done without danger to the individual's health.

195 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health  
196 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as  
197 necessary:

198 (a) organize the vaccination of individuals;

199 (1) The following types of individuals shall not be subject to a vaccination:

200 (A) an individual who the vaccination is reasonably likely to lead to serious  
201 harm to the individual; and

202 (B) an individual, for reason of religion or conscience, refuses to obtain the  
203 vaccination.

204 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive  
205 a vaccination; and

206 (c) prevent any individual, except for those individuals authorized by the  
207 Community/Public Health Officer, from entering an isolation or quarantine premises.

208 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work  
209 with the Community/Public Health Officer to execute the Community/Public Health Officer's  
210 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable  
211 disease are violated or intent to violate becomes apparent.

212 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected  
213 individual shall be charged against the individual or whoever is liable for the individual's care and  
214 support.

215

## 216 **302.8. Proclamation of an Emergency**

217 302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible  
218 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or  
219 presidential declaration.

220 (a) The Director may request that the Oneida Business Committee proclaim the existence  
221 of an emergency. The Oneida Business Committee may proclaim the existence of an  
222 emergency without a request from the Director, if warranted.

223 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the  
224 existence of an emergency, the Director may proclaim an emergency which shall be in  
225 effect until such time the Oneida Business Committee can officially ratify this declaration.

226 302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director  
227 may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the  
228 Oneida Business Committee.

229 302.8-3. *Management Network.* The emergency management network of the Reservation shall  
230 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

231 302.8-4. *After-Action Report.* After an emergency has subsided, the Director shall prepare, or  
232 shall work in conjunction with the appropriate entity to prepare, an after-action report to be  
233 presented to the Oneida Business Committee, any interested entity, and the public. This report  
234 shall be presented to the required parties no later than sixty (60) days after the emergency has  
235 subsided, unless an extension is granted by the Oneida Business Committee.

236 302.8-5. During a proclaimed emergency, the Conservation Department shall be responsible for  
237 the care, disposal, and sheltering of all abandoned domestic animals and livestock. The  
238 Conservation Department may delegate this responsibility to a contracted agency.

239

### 240 **302.9. Emergency Core Decision Making Team**

241 302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under  
242 this law, the Oneida Business Committee may establish an Emergency Core Decision Making  
243 Team through the adoption of a motion. The motion shall identify the positions of the Nation which  
244 shall make up the members of the Emergency Core Decision Making Team based on the type and  
245 severity of emergency the Nation is experiencing.

246 302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have  
247 emergency authority to take the following actions:

248 (a) Notwithstanding any requirements of the Legislative Procedures Act, declare  
249 exceptions to the Nation's laws during the emergency period which will be of immediate  
250 impact for the purposes of protecting the health, safety, and general welfare of the Nation's  
251 community, members, and employees; and

252 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard  
253 operating procedures, declare exceptions to any policy, procedure, regulation, or standard  
254 operating procedure during the emergency period which will be of immediate impact for  
255 the purposes of protecting the health, safety, and general welfare of the Nation's  
256 community, members, and employees.

257 302.9-3. *Declarations.* All declarations made by the Emergency Core Decision Making Team  
258 shall:

259 (a) be written on the Nation's letterhead;

260 (b) provide the date the declaration was issued;

261 (c) contain a clear statement of the directives;

262 (d) provide the date the directive shall go into effect;

263 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the  
264 Chairperson's absence; and

265 (f) be posted on the Nation's website.

266 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*  
267 *Team.* Any declaration made under the authority granted in this section shall be effective upon  
268 the date declared by the Emergency Core Decision Making Team and shall be effective for the  
269 duration of any proclaimed emergency, or for a shorter time period if identified.

270 302.9-5. *Notification to the Oneida Business Committee.* Within twenty-four (24) hours of a  
271 declaration being made, the Emergency Core Decision Making Team shall provide notification of  
272 the declaration to the Oneida Business Committee.

273 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or  
274 emergency action taken by the Emergency Core Decision Making Team.

275

276 **302.10. Enforcement and Penalties**

277 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,  
278 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued  
279 thereunder, whether or not an emergency has been proclaimed.

280 302.10-2. *Citations.* An Oneida Police Department officer may issue a citation to any person who  
281 violates a provision of this law.

282 (a) A citation for a violation of this law shall be processed in accordance with the procedure  
283 contained in the Nation’s laws and policies governing citations.

284 (b) The Oneida Business Committee shall adopt through resolution a citation schedule  
285 which sets forth specific fine amounts for violations of this law.

286 302.10-3. *Disciplinary Action.* An employee of the Nation who violates this law during their work  
287 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action  
288 in accordance with the Nation’s laws and policies governing employment.

289 (a) An employee of the Nation who is disciplined under this law may appeal the  
290 disciplinary action in accordance with the Nation’s laws and policies governing  
291 employment.

292

293 *End.*

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294

295 Adopted - BC-07-15-98-A

296 Amended - BC-12-20-06-G

297 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))

298 Amended - BC-05-13-09-F

299 Emergency Amended – BC-03-17-20-E (COVID-19)

300 Extension of Emergency – BC-08-26-20-A

301 Amended – BC-\_\_-\_\_-\_\_-\_\_