

Oneida Nation

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BC Resolution # 05-12-21-G

Emergency Amendments to the Oneida Worker's Compensation Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Worker's Compensation law ("the Law") was adopted by the Oneida Business Committee through resolution BC-07-07-99-B, and amended through resolution BC-06-25-14-B; and
- WHEREAS,** the Law sets forth a system of compensation and medical benefits for employees of the Nation who suffer compensable injuries in the employment of the Nation; and
- WHEREAS,** the Nation, its members, employees, guests, and neighbors became the latest victims in the onslaught of mass shootings in the United States on May 1, 2021; and
- WHEREAS,** the Nation and its neighboring communities lost two souls, another suffered serious wounds, and more endured the trauma of a mass shooting in their community and their place of work; and
- WHEREAS,** the Oneida Business Committee seeks to ensure its employees have access to the necessary resources to address their mental health needs as a result of the May 1, 2021, shooting incident; and
- WHEREAS,** the Oneida Business Committee is seeking emergency amendments to the Law to ensure employees on duty at or around the main Oneida Casino, the Irene Moore Activity Center (IMAC), or on the grounds encompassing the Oneida Casino, IMAC, and the Radisson Hotel and Conference Center (Radisson) on the evening of May 1, 2021 during the shooting incident may receive necessary mental health assistance; and
- WHEREAS,** the emergency amendments to the Law revise the definition of "Injury or Personal Injury" to include mental harm to an employee caused by the May 1, 2021 shooting incident at the Radisson; and
- WHEREAS,** the emergency amendments to the Law revise the definition of "Covered Injury/Accidents" to include mental harm to an employee caused by the May 1, 2021 shooting incident at the Radisson; and

- WHEREAS,** the emergency amendments to the Law extend the timeframe for reporting an injury sustained on the evening of May 1, 2021 during the shooting incident at the Radisson for consideration for compensation under the Law from forty-eight (48) hours to sixty (60) days after the incident for mental harm, and from forty-eight (48) hours to thirty (30) days after the incident for physical harm; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** emergency amendments to this Law are necessary for the preservation of the health and safety of our Reservation population and the Nation's employees in order to address the mental health needs that resulted from the May 1, 2021 incident at the Radisson; and
- WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of these amendments would be contrary to public interest since the Nation must act expeditiously to assist the employees on duty at the main Oneida Casino, the IMAC, or on the grounds encompassing the Oneida Casino, IMAC, and the Radisson on the evening of May 1, 2021 to ensure their mental health needs are addressed through the Law; and
- WHEREAS,** adoption of emergency amendments to this Law would remain in effect for a period of six (6) months, renewable by the Oneida Business Committee for an additional six (6) month term; and
- WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the emergency amendments to the Oneida Worker's Compensation law, effective immediately.

BE IT FINALLY RESOLVED, an employee may request consideration for compensable injuries under the Oneida Worker's Compensation law if he or she was on duty at the main Oneida Casino or IMAC and were on the grounds encompassing the Oneida Casino, IMAC, and the Radisson on the evening of May 1, 2021 during the shooting incident at the Radisson.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 12th day of May, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."