

# Oneida Nation

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## **BC Resolution # 05-12-21-H Emergency Amendments to the Early Return to Work 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 Early Return to Work law ("Law") was adopted by the Oneida Business Committee through resolution BC-07-30-97-B, and subsequently amended through resolutions BC-06-09-99-D, BC-01-26-11-G and BC-11-13-13-A; and
- WHEREAS,** the purpose of the Law is to: (1) assist an employee in returning to work with temporary activities, restrictions and/or other recommendations prescribed by a healthcare provider; (2) place an employee with temporary activities, restrictions and/or other recommendations in a job with responsibilities that reflect his or her capabilities; (3) assist an employee with temporary activities, restrictions and/or other recommendations during the transition from a modified duty position to his or her original job; (4) provide a capable work force for areas which are understaffed or have a need for short-term, temporary employees; and (5) include all employees of the Oneida Nation; and
- WHEREAS,** the Oneida 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 Oneida Nation and its neighboring communities lost two (2) 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 that 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 integrate back into the work force as soon as possible; and
- WHEREAS,** section 209.4-4 of the Law currently provides, without exception, that a “mental/behavioral health condition is not considered an Early Return to Work condition” for purposes of participating in the Early Return to Work Program set forth therein; and
- WHEREAS,** the proposed amendments to the Law will create an exception to section 209.4-4 that allows for employees, who were on duty at or around the main Oneida Casino, IMAC or on the grounds encompassing the Oneida Casino, IMAC and Radisson during the shooting incident of May 1, 2021 and diagnosed with a mental health injury as a result of that incident, to be considered for modified duty under the Law, subject to review and approval of the Employee Health Nursing Department; 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 adoption of this Law is necessary for the preservation of the health and safety of the Reservation population and the Nation’s employees to address any injury those employees, on duty at or around the main Oneida Casino, IMAC or on the grounds encompassing the Oneida Casino, IMAC and Radisson, may have suffered to their mental health as a result of the shooting incident that took place on the evening of May 1, 2021; 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 employees, who were on duty at the main Oneida Casino, IMAC or on the grounds encompassing the Oneida Casino, IMAC and Radisson on the evening of May 1, 2021, by ensuring that their mental health needs are addressed within the Law sooner than would be possible under the standard process set forth within the Legislative Procedures Act; 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 Early Return to Work law, effective immediately.

**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 12<sup>th</sup> 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.

  
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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."