



Oneida Business Committee

Emergency Meeting
8:00 AM Wednesday, June 30, 2021
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

NOTICE

In accordance with the OBC Virtual meeting standard operating procedure, due to the Public Health State of Emergency the OBC meeting will be held virtually through Microsoft Teams and therefore be closed to the public. Any person who has comments or questions regarding open session items may submit them to TribalSecretary@oneidanation.org no later than the close of business the day before the OBC meeting. Any comments or questions received shall be noticed to the OBC and entered into the record as a handout by the Business Committee Support Office. A recording of the virtual meeting shall be made available on the Nation's website.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. RESOLUTIONS

- A. Adopt resolution entitled Adoption of the Oneida Nation Employee Vaccination Incentive Plan for Employees Who Are Not Oneida Nation Members**
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- B. Consider resolution regarding Direct Membership Assistance in accordance the project approval process in resolution BC-06-09-21-B**
Sponsor: Mark W. Powless, General Manager
- C. Consider resolution regarding Membership Vaccination Incentive in accordance the project approval process in resolution BC-06-09-21-B**
Sponsor: Mark W. Powless, General Manager

V. GENERAL TRIBAL COUNCIL

- A. Approve two (2) actions to schedule special General Tribal Council meetings**
Sponsor: Lisa Liggins, Secretary

VI. EXECUTIVE SESSION**A. NEW BUSINESS**

- 1. Adopt the resolution entitled Approving Third Amendment to the Oneida Nation & State of Wisconsin Gaming Compact of 1991**
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

VII. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: oneida-nsn.gov/government/business-committee/agendas-packets/

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of the Oneida Nation Employee Vaccination Incentive Plan for...

1. Meeting Date Requested: 6 / 30 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Adopt resolution entitled **Adoption of the Oneida Nation Employee Vaccination Incentive Plan for Employees Who Are Not Oneida Nation Members**

3. Supporting Materials☐ Report ☒ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☒ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☒ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

On June 23, 2021, the Business Committee decided to use IHS ARPA funds to pay for incentives in the amount of \$500 for eligible employees of the Nation who are not enrolled members of the Oneida Nation.

In accordance with BC Resolution 6-9-21-B, a resolution is required to use ARPA funds that come through the Self Governance Office.

This resolution will approve the Oneida Nation Employee Vaccination Incentive Plan for Employees Who Are Not Oneida Nation Members, these incentives will be paid using IHS ARPA funds, the Nation's Compensation and Benefits Director will be assigned as the Project Owner, and the use of the IHS ARPA funds complies with the following six (6) standards identified in the US Department of Health and Human Services' Office of Inspector General frequently asked questions document (last updated on May 24, 2021/retrieved on June 25, 2021):

- 1) the incentive or reward is furnished in connection with receiving a required dose of a COVID-19 vaccine; and
- 2) the vaccine is authorized or approved by the Food and Drug Administration as a COVID-19 vaccine and is administered in accordance with all other applicable Federal and State rules and regulations and the conditions for the provider or supplier receiving vaccine supply from the Federal government; and
- 3) the incentive or reward is not tied to or contingent upon any other arrangement or agreement between the entity offering the incentive or reward and the Federal health care program beneficiary; and
- 4) the incentive or reward is not conditioned on the recipient's past or anticipated future use of other items or services that are reimbursable, in whole or in part, by Federal health care programs; and
- 5) the incentive or reward is offered without taking into account the insurance coverage of the patient (or lack of insurance coverage) unless the incentive or reward is being offered by a managed care organization and eligibility is limited to its enrollees; and
- 6) the incentive or reward is provided during the COVID-19 public health emergency

According to HRD, on June 10, 2021 there were 918 employees who are not enrolled members of the Oneida Nation.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Adoption of the Oneida Nation Employee Vaccination Incentive Plan for Employees Who Are Not Oneida Nation Members

- 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 Nation has received funding from the US Department of Health and Human Services - Indian Health Service (IHS) through the American Rescue Plan Act of 2021 (ARPA); and
- WHEREAS,** the IHS allocated ARPA funding to the Oneida Nation for COVID-19 Vaccine-related activities to be used for necessary expenses to plan, prepare for, promote, distribute, administer, and track COVID vaccines and other vaccine related activities; and
- WHEREAS,** during both IHS Bemidji Area and National IHS meetings, tribal governments asked if IHS ARPA funds allocated for vaccine-related activities can be used to incentivize people who receive COVID-19 vaccinations; and
- WHEREAS,** the IHS Bemidji Area provided a frequently asked questions guidance developed by the US Department of Health and Human Services' Office of Inspector General (dated May 24, 2021) which states that using ARPA funds in the limited context of the COVID-19 public health emergency, a health care provider offering or providing a reward or incentive in connection with the beneficiary receiving the COVID-19 vaccine (either one or both doses) would be sufficiently low risk under the Federal anti-kickback statute and Beneficiary Inducements CMP if the identified six (6) safeguards were met (see below); and
- WHEREAS,** on June 23, 2021, the Oneida Business Committee decided to use IHS ARPA funds to incentivize Oneida Nation Employees who are not enrolled Oneida tribal members; and
- WHEREAS,** the Oneida Business Committee has identified other funding to incentivize Oneida Nation members, including those members who may also be employees of the Nation; and
- WHEREAS,** having a vaccinated employment base better protects the Oneida Nation membership when the membership comes in direct contact with the Nation's employees; and
- WHEREAS,** prioritizing the vaccination of Oneida employees ensures a safe and healthy work environment that will reduce illness among Oneida employees; and

BC Resolution #
Adoption of the Oneida Nation Employee Vaccination Incentive Plan for Employees Who Are Not
Oneida Nation Members
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44
45 **WHEREAS,** having a vaccinated employment base aids in mitigating the spread of the COVID-19 virus;
46 and
47

48 **WHEREAS,** the Oneida Nation will provide a \$500 incentive to current Oneida Nation employees who
49 are not enrolled Oneida members that are age eighteen (18) and older who voluntarily
50 provide proof that they completed the full manufacturer-recommended dose(s) of a COVID-
51 19 vaccine or, in other words, who are fully vaccinated against COVID-19; and
52

53 **WHEREAS,** this project fits within the purpose for which the funds have been received; and
54

55 **WHEREAS,** this project will begin July 1, 2021 and concluded September 30, 2021; and
56

57 **WHEREAS,** the Oneida Business Committee has reviewed the proposed project.
58


59 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee approves the Oneida Nation
60 Employee Vaccination Incentive Plan for Employees Who Are Not Oneida Nation Members.
61

62 **NOW THEREFORE BE IT FURTHER RESOLVED,** that the Oneida Business Committee approves using
63 IHS ARPA funds to pay for the portion of eligible Oneida employees who are not enrolled Oneida members.
64

65 **NOW THEREFORE BE IT FURTHER RESOLVED,** that the Oneida Human Resources Department -
66 Compensation and Benefits Director will be assigned as the Project Owner.
67

68 **BE IT FINALLY RESOLVED,** the use of the IHS ARPA funds complies with the following six (6) standards
69 identified in the US Department of Health and Human Services' Office of Inspector General frequently asked
70 questions document (last updated on May 24, 2021/retrieved on June 25, 2021):

- 71 1) the incentive or reward is furnished in connection with receiving a required dose of a COVID-
72 19 vaccine; and
- 73 2) the vaccine is authorized or approved by the Food and Drug Administration as a COVID-19
74 vaccine and is administered in accordance with all other applicable Federal and State rules
75 and regulations and the conditions for the provider or supplier receiving vaccine supply from
76 the Federal government; and
- 77 3) the incentive or reward is not tied to or contingent upon any other arrangement or agreement
78 between the entity offering the incentive or reward and the Federal health care program
79 beneficiary; and
- 80 4) the incentive or reward is not conditioned on the recipient's past or anticipated future use of
81 other items or services that are reimbursable, in whole or in part, by Federal health care
82 programs; and
- 83 5) the incentive or reward is offered without taking into account the insurance coverage of the
84 patient (or lack of insurance coverage) unless the incentive or reward is being offered by a
85 managed care organization and eligibility is limited to its enrollees; and
- 86 6) the incentive or reward is provided during the COVID-19 public health emergency.

 <p>ONEIDA NATION STANDARD OPERATING PROCEDURE</p>	<p>TITLE: COVID-19 Vaccination Verification and Incentive</p>	<p>ORIGINATION DATE: May 26, 2021 REVISION DATE:</p> <p>EFFECTIVE DATE: After last signature</p>
AUTHOR:	APPROVED BY: <i>HRD Compensation & Benefits Director</i>	DATE:
	APPROVED BY: <i>Employee Health Nursing</i>	DATE
	APPROVED BY: <i>Comprehensive Health Division</i>	DATE:
EEO REFERENCE NUMBER:	COMPLIANCE REVIEW BY: <i>EEO</i>	DATE:
PAGE NO: 1 of 4	APPROVED BY: <i>HRD Manager</i>	DATE:

1.0 PURPOSE

- 1.1 To ensure a safe and healthy work environment that will reduce the number of illnesses among Oneida Nation employees.
- 1.2 To collect the minimum information needed to track employee completion of COVID-19 vaccinations.
 - 1.2.1 Understanding employee completion of COVID-19 vaccinations allows departments to assess health and safety risks within the workplace and implement mitigation strategies.
 - 1.2.2 Understanding employee completion of COVID-19 vaccinations allows supervisors to plan for the return of employees to the workplace.
- 1.3 To provide an incentive to employees who are not Oneida Nation members and who have completed the full manufacturer-recommended dose(s) of the COVID-19 vaccine during the public health emergency declared by the United States Secretary of Health and Human Services on January 31, 2020.
 - 1.3.1 The incentive application period will be July 1 to September 30, 2021. Incentive applications submitted outside this timeframe will not be approved.

2.0 DEFINITIONS

- 2.1 COVID-19 – a coronavirus identified as the cause of an outbreak of respiratory illness; more properly identified as SARS-CoV-2.

3.0 WORK STANDARDS / PROCEDURES

3.1 Vaccine Completion Database

- 3.1.1 The Oneida Human Resources Department (HRD) may ask all current employees to submit evidence that they have completed the full manufacturer-recommended dose(s) of the COVID-19 vaccine.
 - 3.1.1.1 Employees will use the COVID-19 Vaccination Verification Incentive application, a PowerApp accessed through the Oneida Portal, to submit vaccination documentation.
- 3.1.2 Employees may provide proof that they completed the full manufacturer-recommended dose(s) of the COVID-19 vaccine by submitting one of the following:
 - 3.1.2.1 A copy of the completed CDC-issued COVID-19 vaccination card (*preferred method of proof*); or,
 - 3.1.2.2 A printout of vaccination status from a health care provider that administered the COVID-19 vaccine; or,
 - 3.1.2.3 A printout of the Wisconsin Immunization Registry record showing that the employee received the COVID-19 vaccine. If the COVID-19 vaccine was received in another state, that state's official immunization record is acceptable.
- 3.1.3 Employees who provide proof of COVID-19 vaccination shall not provide any medical, family history, or genetic information beyond COVID-19 vaccination status.
- 3.1.4 HRD shall maintain all employee vaccination information in files that are separate from the employees' personnel files and shall maintain the information with strict confidentiality, except that release is permitted to individuals who have a business need to know.
 - 3.1.4.1 Release of vaccination information to Oneida Employee Health Nursing is permitted to allow verification on the Wisconsin Immunization Registry or the official immunization registry of another state, as applicable.
 - 3.1.4.2 Employee vaccination statistics will be de-identified and personal information removed. The de-identified information will be used to assess health and safety risks within Oneida Nation workplaces or other similar purposes.
- 3.1.5 Except for supervisors who inquire into the vaccination status of employees under their direct supervision, employees shall not ask other Oneida Nation employees about their vaccination status.
- 3.1.6 Employees who complete the full manufacturer-recommended dose(s) of the COVID-19 vaccine shall continue to comply with all workplace policies and

procedures, except those policies that expressly exempt fully vaccinated employees.

3.2 Vaccination Incentive

- 3.2.1 The Oneida Nation may offer an incentive to employees age 18 and over who are not Oneida Nation members and who voluntarily provide proof that they completed the full manufacturer-recommended dose(s) of the COVID-19 vaccine or, in other words, employees who are fully vaccinated against COVID-19.
 - 3.2.1.1 To be eligible, employees must have received a COVID-19 vaccine that is authorized or approved by the U.S. Food and Drug Administration and that was administered in accordance with all federal and state rules and regulations applicable to the vaccine, the provider, and the supplier.
- 3.2.2 Submission of falsified or fraudulent documents or claims will disqualify the individual from receiving any COVID-19 vaccination incentive from the Oneida Nation.
- 3.2.3 Incentive payments are for current Oneida Nation employees ages 18 and over who are not Oneida Nation members.
 - 3.2.3.1 Individuals who are separated from employment prior to receiving payment are not eligible for the incentive, even if they submitted verifiable vaccination information.
 - 3.2.3.2 Employees who are less than 18 years of age may submit vaccination information but are not eligible for this incentive.
- 3.2.4 Employee incentive payments are taken from American Rescue Plan Act (ARPA) funds allocated through the Indian Health Service to the Oneida Nation.
- 3.2.5 This incentive is not tied to or contingent upon any other arrangement or agreement between the Oneida Nation and the employee.
- 3.2.6 This incentive is not conditioned on the employee's past or anticipated future use of other items or services that are reimbursable, in whole or in part, by Federal health care programs.
- 3.2.7 This incentive is offered without taking into account the insurance coverage of the employee.
- 3.2.8 Employees who receive the incentive may be liable for federal and state income tax on the value of the incentive.

4.0 REFERENCES

- 4.1 Oneida Personnel Policies and Procedures, Section VI – Safety and Health
- 4.2 United States Department of Health and Human Services Office of Inspector General FAQs – Application of OIG’s Administrative Enforcement Authorities to Arrangements Directly Connected to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (Updated 5/24/2021)



COVID Vaccinations

Jun 2, 2021

Number of employees who received one dose. (COVID1) 51
 Number of employees who received both doses. (COVID2) 1,034
 Total Active Employees 2,107
 Percent of employee that received both doses 49.1%

	Total With Both Vaccinations
ONEIDA	606
NON-ONEIDA	428
Total	1,034

	Total With Both Vaccinations
GAMING	271
NON-GAMING	763
Total	1,034

Stats are through May 12, 2021.

Stats are those vaccinated at Oneida Nation covid clinics.

Consider resolution regarding Direct Membership Assistance in accordance the project approval process.

Business Committee Agenda Request

1. Meeting Date Requested: 06/30/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input checked="" type="checkbox"/> Other: HANDOUT | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1

Consider resolution regarding Membership Vaccination Incentive in accordance the project approval...

Business Committee Agenda Request

1. Meeting Date Requested: 06/30/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input checked="" type="checkbox"/> Other: HANDOUT | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1