

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 06-30-21-A

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 of 2(IHS) through the American Rescue Plan Act 021 (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

WHEREAS, having a vaccinated employment base aids in mitigating the spread of the COVID-19 virus; and

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

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

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

WHEREAS, the Oneida Business Committee has reviewed the proposed project.

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

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

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

BE IT FINALLY RESOLVED, 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

the incentive or reward is provided during the COVID-19 public health emergency.

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; 8 members were present at a meeting duly called, noticed and held on the 30th day of June, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 1 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."