



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, February 09, 2022
Virtual Meeting – Microsoft Teams¹

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

Effective August 20, 2021, the Norbert Hill Center Administrative Offices are closed to the public; this include OBC meetings. Any person who has comments or questions regarding open session items may submit them via e-mail to the OBC at secretary@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 BC Support Office. The meeting will also be conducted using Microsoft Teams, please contact the BC Support Office at 920-869-4364 for instructions on how to join virtually.

The decision to close Norbert Hill Center Administrative Offices to the public is due to both the rise in COVID-19 cases throughout both Brown and Outagamie Counties, as well as to ensure compliance with protocols relating to public access to the Oneida Nation High School.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. OATH OF OFFICE

A. Oneida Airport Hotel Corporation - Kathy Hughes and Susan House

Sponsor: Lisa Liggins, Secretary

B. Oneida Nation Veterans Affairs Committee - John Breuninger, Gerald Cornelius, and Dale Webster

Sponsor: Lisa Liggins, Secretary

¹ Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings.

V. MINUTES

- A. Approve the January 26, 2022, regular Business Committee meeting minutes**
Sponsor: Lisa Liggins, Secretary

VI. RESOLUTIONS

- A. Adopt resolution entitled Amendments to the Furlough Law**
Sponsor: David P. Jordan, Councilman

VII. APPOINTMENTS

- A. Determine next steps regarding four (4) vacancies - Oneida Nation Arts Board**
Sponsor: Lisa Liggins, Secretary
- B. Correct the term end date for Susan House on the Oneida Airport Hotel Corporation Board from January 21, 2027, to January 31, 2027**
Sponsor: Lisa Liggins, Secretary

VIII. STANDING COMMITTEES**A. LEGISLATIVE OPERATING COMMITTEE**

- 1. Accept the January 19, 2022, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman

B. QUALITY OF LIFE COMMITTEE

- 1. Accept the November 18, 2021, regular Quality of Life Committee meeting minutes**
Sponsor: Marie Summers, Councilwoman
- 2. Accept the December 16, 2021, regular Quality of Life Committee meeting minutes**
Sponsor: Marie Summers, Councilwoman

IX. STANDING ITEMS**A. ARPA FRF LR Updates and Requests/Proposals (9:30 a.m.)**

- 1. Consider the request for an ARPA FRF LR funded Oneida Nation Home Repair/Improvement Program**
Sponsor: Billie Jo Cornelius-Adkins, Tribal Member
- 2. Consider request for an ARPA FRF LR funded Residential Infrastructure Project**
Sponsor: Billie Jo Cornelius-Adkins, Tribal Member

X. NEW BUSINESS

- A. Review the Special Election recommendation and determine next steps**
Sponsor: Pamela Nohr, Chair/Oneida Election Board

XI. REPORTS**A. OPERATIONAL (10:00 a.m.)**

- 1. Accept the Emergency Management Department FY-2022 1st quarter report**
Sponsor: Kaylynn Gresham, Director/Emergency Management

B. APPOINTED BOARDS, COMMITTEES, COMMISSIONS (10:00 a.m.)

- 1. Accept the Anna John Resident Centered Care Community Board FY-2022 1st quarter report**
Sponsor: Kristin Jorgenson Dann, Chair/Anna John Resident Centered Care Community Board
- 2. Accept the Oneida Community Library Board FY-2022 1st quarter report**
Sponsor: Brooke Doxtator, BCC Supervisor
- 3. Accept the Oneida Environmental Resources Board FY-2022 1st quarter report**
Sponsor: Brooke Doxtator, BCC Supervisor
- 4. Accept the Oneida Nation Arts Board FY-2022 1st quarter report**
Sponsor: Kelli Strickland, Chair/Oneida Nation Arts Board
- 5. Accept the Oneida Nation Veterans Affairs Committee FY-2022 1st quarter report**
Sponsor: Gerald Cornelius, Chair/Oneida Nation Veterans Affairs Committee
- 6. Accept the Oneida Personnel Commission FY-2022 1st quarter report**
Sponsor: Carole Liggins, Chair/Oneida Personnel Commission
- 7. Accept the Oneida Police Commission FY-2022 1st quarter report**
Sponsor: Richard VanBoxtel, Chair/Oneida Police Commission
- 8. Accept the Pardon and Forgiveness Screening Committee FY-2022 1st quarter report**
Sponsor: Eric Boulanger, Chair/Pardon and Forgiveness Screening Committee
- 9. Accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2022 1st quarter report**
Sponsor: Diane Hill, Chair/Southeastern Wisconsin Oneida Tribal Services Advisory Board

C. ELECTED BOARDS, COMMITTEES, COMMISSIONS (10:30 a.m.)

1. **Accept the Oneida Election Board FY-2022 1st quarter report**
Sponsor: Pamela Nohr, Chair/Oneida Election Board
2. **Accept the Oneida Gaming Commission FY-2022 1st quarter report**
Sponsor: Mark A. Powless Sr., Chair/Oneida Gaming Commission
3. **Accept the Oneida Land Claims Commission FY-2022 1st quarter report**
Sponsor: Chris Cornelius, Chair/Oneida Land Claims Commission
4. **Accept the Oneida Land Commission FY-2022 1st quarter report**
Sponsor: Rebecca Webster, Chair/Oneida Land Commission
5. **Accept the Oneida Nation Commission on Aging FY-2022 1st quarter report**
Sponsor: Carole Liggins, Chair/Oneida Nation Commission on Aging
6. **Accept the Oneida Nation School Board FY-2022 1st quarter report**
Sponsor: Aaron Manders, Chair/Oneida Nation School Board
7. **Accept the Oneida Trust Enrollment Committee FY-2022 1st quarter report**
Sponsor: Jennifer Hill-Kelley, Chair/Oneida Trust Enrollment Committee

D. STANDING COMMITTEES

1. **Accept the Community Development Planning Committee FY-2022 1st quarter report**
Sponsor: Brandon Stevens, Vice-Chairman
2. **Accept the Finance Committee FY-2022 1st quarter report**
Sponsor: Tina Danforth, Treasurer
3. **Accept the Legislative Operating Committee FY-2022 1st quarter report**
Sponsor: David P. Jordan, Councilman
4. **Accept the Quality of Life Committee FY-2022 1st quarter report**
Sponsor: Marie Summers, Councilwoman

E. OTHER

1. **Accept the Oneida Youth Leadership Institute FY-2022 1st quarter report**
Sponsor: Richard Elm-Hill, President/Oneida Youth Leadership Institute

XII. EXECUTIVE SESSION**A. REPORTS**

1. **Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel

2. **Accept the General Manager report**
Sponsor: Mark W. Powless, General Manager
3. **Accept the Gaming General Manager FY-2022 1st quarter report**
Sponsor: Louise Cornelius, Gaming General Manager
4. **Accept the Human Resources FY-2022 1st quarter report**
Sponsor: Todd VanDen Heuvel, Executive HR Director
5. **Accept the Retail Enterprise FY-2022 1st quarter report**
Sponsor: Debra Powless, Retail General Manager

B. AUDIT COMMITTEE

1. **Accept the November 18, 2021, regular Audit Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
2. **Accept the Audit Committee FY-2022 1st quarter report**
Sponsor: David P. Jordan, Councilman
3. **Accept the Gaming Contracts compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
4. **Accept the Oneida Recreation performance assurance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

C. NEW BUSINESS

1. **Review application(s) for four (4) vacancies - Oneida Nation Arts Board**
Sponsor: Lisa Liggins, Secretary
2. **Consider a request from the Secretary pursuant to §105.7-4**
Sponsor: Lisa Liggins, Secretary

XIII. 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 Airport Hotel Corporation - Kathy Hughes and Susan House

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Lisa Liggins, Secretary

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: February 1, 2022

RE: Oath of Office – Oneida Airport Hotel Corporation

Background

On January 26, 2022 the Oneida Business Committee appointed Kathy Hughes and Susan House to the Oneida Airport Hotel Corporation board.

Oneida Nation Veterans Affairs Committee - John Breuninger, Gerald Cornelius, and Dale Webster

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Lisa Liggins, Secretary

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: February 1, 2022

RE: Oath of Office – Oneida Nation Veterans Affairs Committee

Background

On January 26, 2022 the Oneida Business Committee appointed Dale Webster, John Breuninger and Gerald Cornelius to the Oneida Nation Veterans Affairs Committee.

Approve the January 26, 2022, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1

DRAFT**Oneida Business Committee****Executive Session**

8:30 AM Tuesday, January 25, 2022
Virtual Meeting – Microsoft Teams¹

Regular Meeting

8:30 AM Wednesday, January 26, 2022
Virtual Meeting – Microsoft Teams

Minutes

EXECUTIVE SESSION

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Tina Danforth, Secretary Lisa Liggins, Council members: Daniel Guzman King, David P. Jordan, Jennifer Webster;

Not Present: n/a

Arrived at: Councilman Kirby Metoxen at 8:38 a.m., Councilwoman Marie Summers at 8:48 a.m.;

Others present: Jo Anne House, Larry Barton, Danelle Wilson, Mark W. Powless, Tana Aguirre, Candice Skenandore, Ralinda Ninham-Lamberies, Louise Cornelius, Todd VanDen Heuvel, Debra Powless, Rae Skenandore, Katsitsiyo Danforth, Justin Nishimoto, Tina Jorgenson, Nicole Rommel, Melanie Burkhart, Michelle Danforth-Anderson, Loucinda Conway, Renita Hernandez, Chad Fuss;

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Marie Summers, Jennifer Webster;

Not Present: n/a

Arrived at: Treasurer Tina Danforth at 8:33 a.m., Secretary Lisa Liggins at 8:38 a.m.;

Others present: Jo Anne House, Larry Barton, Melinda J. Danforth, Mark W. Powless, Todd VanDen Heuvel, Tina Jorgenson, Louise Cornelius, Jacqueline Smith, Jacque Boyle, Clorissa Santiago, Kristen Hooker, Carmen Vanlanen, Loucinda Conway, Katsitsiyo Danforth, Jessica Vandekamp, Nicole Rommel, Rae Skenandore, Justin Nishimoto, Jameson Wilson, Kristal Hill, Rhiannon Metoxen, Danelle Wilson, Lisa Summers, Brooke Doxtator, Patricia King, Debbie Melchert, Marlon Skenandore, Lisa Duff, Mike Debraska, Nancy Barton, Robert Fowler, Phyllis Tousey, Chad Wilson, Aliskwet Ellis;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:31 a.m.

For the record: Secretary Lisa Liggins will be arriving late. Chairman Tehassi Hill left at 9:23 a.m. to attend the Pals program at the Packer's stadium and will be attending an interview with Wisconsin Public Radio at 11:30 a.m.

¹ Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings.

DRAFT

II. OPENING (00:00:11)

Opening provided by Councilman Kirby Metoxen.

A. Special Recognition for years of service

Sponsor: Todd VanDen Heuvel, Executive HR Director

Treasurer Tina Danforth arrived at 8:33 a.m.

Special recognition for years of service by Chairman Tehassi Hill of the following individuals: 35 years of services – Stephanie L. Skenandore, Karen J. Melchert, Mary Ann Peters, Terry J. Metoxen; 30 years of services – Paul F. Danforth, April L. King, Melinda K. Danforth, Donald O. Wilson, Clinton V. Skenandore, Ingrid F. King, Diana J. Hernandez, Lynn D. Wautier, Leroy Skenandore, Carie A. King, Nichole L. Napier; 25 years of service – Douglas R. Younklee, Anessa R. Boulanger, Sharon M. Skenandore, Jamie L. Metoxen, Anne V. Kreutzinger, Rosalie M. Christjohn Lucas, Lori F. Webster, Marlene A. Westgor.

III. ADOPT THE AGENDA (00:03:23)

Motion by Marie Summers to adopt the agenda with one (1) deletion under the Travel Requests section, delete item entitled Approve the travel request – Councilman Kirby Metoxen – 2022 Executive Council Winter Session – Washington DC – February 13-17, 2022, and one (1) change under the Resolutions section, address item V.A. Adopt resolution entitled Support of Brothertown Indian Nation's efforts to seek Congressional Restoration Legislation at 9:00 a.m., seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Lisa Liggins

IV. MINUTES

A. Accept the January 12, 2022, regular Business Committee meeting minutes (00:05:40)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve the January 12, 2022, regular Business Committee meeting minutes, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, David P. Jordan, Marie Summers, Jennifer Webster

Abstained: Kirby Metoxen

Not Present: Tina Danforth, Lisa Liggins

Item VI.A. was addressed next.

DRAFT

V. RESOLUTIONS

A. Adopt resolution entitled **Support of Brothertown Indian Nation's efforts to seek Congressional Restoration Legislation (00:31:40)**

Sponsor: Tehassi Hill, Chairman

Motion by Lisa Liggins to adopt resolution 01-26-22-A Support of Brothertown Indian Nation's efforts to seek Congressional Restoration Legislation, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Item IX.C. was addressed next.

VI. APPOINTMENTS

A. Determine next steps regarding two (2) vacancies - Oneida Airport Hotel Corporation (00:06:41)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the selected applicant and appoint Kathy Hughes to the Oneida Airport Hotel Corporation Board with a term ending January 31, 2027, seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Lisa Liggins

Secretary Lisa Liggins arrived at 8:38 a.m.

Motion by Jennifer Webster to accept the selected applicant and appoint Susan House to the Oneida Airport Hotel Corporation Board with a term ending January 21, 2027², seconded by Marie Summers. Motion carried:

Ayes: David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers,
Jennifer Webster

Opposed: Tina Danforth, Daniel Guzman King, Kirby Metoxen

B. Determine next steps regarding five (5) vacancies - Oneida Nation Veterans Affairs Committee (00:09:32)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the selected applicants, to appoint Dale Webster, John Breuninger, and Gerald Cornelius to the Oneida Nation Veterans Affairs Committee with terms ending December 31, 2024, and to request the Secretary to re-notice the remaining two (2) vacancies, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

² Action was taken at the February 9, 2022, regular Business Committee meeting to correct the term date from January 21, 2027 to January 31, 2027.

DRAFT**VII. STANDING COMMITTEES****A. COMMUNITY DEVELOPMENT PLANNING COMMITTEE**

1. **Accept the December 2, 2021, regular Community Development Planning Committee meeting minutes (00:10:53)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to accept the December 2, 2021, regular Community Development Planning Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

B. FINANCE COMMITTEE

1. **Accept the January 3, 2022, regular Finance Committee meeting minutes (00:11:41)**

Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to accept the January 3, 2022, regular Finance Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Abstained: Kirby Metoxen

2. **Accept the January 17, 2022, regular Finance Committee meeting minutes (00:13:23)**

Sponsor: Tina Danforth, Treasurer

Motion by Marie Summers to accept the January 17, 2022, regular Finance Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

For the record: Councilman Kirby Metoxen stated I am approving this one but just for the record, [for item VII.] B.1., I abstained because I was out on medical for that one.

C. LEGISLATIVE OPERATING COMMITTEE

1. **Accept the December 15, 2021, regular Legislative Operating Committee meeting minutes (00:14:12)**

Sponsor: David P. Jordan, Councilman

Motion by Marie Summers to approve the December 15, 2021, regular Legislative Operating Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Abstained: Kirby Metoxen

DRAFT

2. Adopt the Oneida Nation Arts Board bylaws amendments (00:15:02)

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to adopt the Oneida Nation Arts Board bylaws amendments with one (1) noted change, correction "Oneida Business Committee Support Office" to "Government Administrative Office", seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

VIII. STANDING ITEMS

A. ARPA FRF Updates and Requests/Proposals

No submissions to consider.

IX. NEW BUSINESS

A. Research Request: Priscilla Belisle-University of Minnesota-"A Haudenosaunee Intrinsic Multiple Case Study on the Influence of Dissonance on Yukwatsistay^ for Young Oneida Women at Predominantly White Institutions" – Review and determine next steps (00:20:20)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Liggins to approve the research request, consistent with resolution # BC-05-08-19-A, Research Requests: Review and Approval to Conduct, and, in accordance with: a) resolve #2(3), Ms. Belisle is required to submit the final draft research paper for review; b) resolve #2(4), Ms. Belisle is required to submit a copy of the published work and can request to present the research findings to the Oneida Business Committee; and c) resolve #5, any further use of this research information is subject to authorization by the Oneida Business Committee, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Abstained: Marie Summers

B. Research Request: Dr. Courtney Cottrell-regarding Brothertown Materials Collection and Book Project – Never Neutral: U.S. Museums and the Politics of Interpretation – Review and determine next steps (00:24:14)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Liggins to approve the research request from Dr. Courtney Cottrell regarding Brothertown Materials Collection and Book Project – Never Neutral: U.S. Museums and the Politics of Interpretation, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Item V.A. was addressed next.

Chairman Tehassi Hill left at 9:23 a.m. Vice-Chairman Brandon Stevens assumes the role of the chair.

DRAFT**C. Accept the Building Demolitions status report - CIP # 07-009 (00:52:57)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Building Demolitions status report - CIP # 07-009, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Marie Summers, Jennifer Webster
Abstained: Tina Danforth
Not Present: Tehassi Hill

D. Accept the Oneida Food Pantry report (01:30:15)

Sponsor: Mark W. Powless, General Manager

Motion by Marie Summers to approve the Oneida Food Pantry report, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

X. REPORTS**A. OPERATIONAL****1. Accept the Comprehensive Health Division FY-2022 1st quarter report (01:55:15)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Comprehensive Health Division FY-2022 1st quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

2. Accept the Environmental, Health, Safety, Land & Agriculture Division FY-2022 1st quarter report (01:59:13)

Sponsor: Mark W. Powless, General Manager

Motion by Marie Summers to accept the Environmental, Health, Safety, Land & Agriculture Division FY-2022 1st quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

3. Accept the Government Services Division FY-2022 1st quarter report (02:00:15)

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the Government Services Division FY-2022 1st quarter report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

DRAFT**4. Accept the Public Works Division FY-2022 1st quarter report (02:01:08)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Public Works Division FY-2022 1st quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

5. Accept the Management Information Systems FY-2022 1st quarter report (02:02:05)

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the Management Information Systems FY-2022 1st quarter report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

6. Accept the Tribal Action Plan FY-2022 1st quarter report (02:06:41)

Sponsor: Mark W. Powless, General Manager

Motion by Marie Summers to accept the Tribal Action Plan FY-2022 1st quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

7. Accept the Big Bear Media FY-2022 1st quarter report (02:09:10)

Sponsor: Mark W. Powless, General Manager

Motion by Jennifer Webster to accept the Big Bear Media FY-2022 1st quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

8. Accept the Education & Training FY-2022 1st quarter report (02:12:24)

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the Education & Training FY-2022 1st quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

9. Accept the Grants FY-2022 1st quarter report (02:13:22)

Sponsor: Mark W. Powless, General Manager

Motion by Marie Summers to accept the Grants FY-2022 1st quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

DRAFT

The Oneida Business Committee, by consensus, recessed for break from 10:45 a.m. to 10:55 a.m.

Meeting called to order by Vice-Chairman Brandon Stevens at 10:56 a.m.

Roll call for the record:

Present: Councilman Daniel Guzman King; Councilman David P. Jordan; Secretary Lisa Liggins; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilwoman Marie Summers; Councilwoman Jennifer Webster;
Not Present: Treasurer Tina Danforth; Chairman Tehassi Hill;

XI. EXECUTIVE SESSION

A. REPORTS

1. Accept the Chief Counsel report (02:15:05)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Liggins to accept the Chief Counsel report and to approve a conflict waiver for Quarles & Brady dated January 24, 2022, regarding Wisconsin Public Service easement negotiation, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Marie Summers, Jennifer Webster

Not Present: Tina Danforth, Tehassi Hill

2. Accept the General Manager report (02:16:00)

Sponsor: Mark W. Powless, General Manager

Motion by Jennifer Webster to accept the General Manager report, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Marie Summers, Jennifer Webster

Not Present: Tina Danforth, Tehassi Hill

3. Accept the Intergovernmental Affairs, Communications, and Self-Governance January 2022 report (02:16:33)

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Treasurer Tina Danforth returned at 10:59 a.m.

Motion by Lisa Liggins to accept the Intergovernmental Affairs, Communications, and Self-Governance January 2022 report; to assign Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, and Secretary Lisa Liggins to the Brown County Service Agreement Negotiating Team; to support the nomination of Chairman Tehassi Hill to the Government Accountability Office Tribal Advisory Committee; to support the nomination of Vice-Chairman Brandon Stevens to the U.S. Department of the Interior Advisory Committee on Reconciliation in Place Names; to appoint Councilmember David P. Jordan to the U.S. Health & Human Services Office of Minority Health's Center for Indigenous Innovation and Health Equity Tribal Advisory Committee; and to assign Secretary Lisa Liggins to assist Self-Governance in negotiating a compact and funding agreement with the Department of Transportation, with Councilman David P. Jordan serving as a backup, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

DRAFT**4. Accept the December 2021 Treasurer's report (02:18:04)**

Sponsor: Tina Danforth, Treasurer

Motion by Marie Summers to accept the December 2021 Treasurer's report, seconded by Lisa Liggins.
Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

B. NEW BUSINESS**1. Accept the January 11, 2022, BC Officer meeting notes (02:18:38)**

Sponsor: Danelle Wilson, Executive Assistant/Oneida Business Committee

Motion by Jennifer Webster to accept the January 11, 2022, BC Officer meeting notes, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

2. Review applications for two (2) vacancies - Oneida Airport Hotel Corporation (02:19:19)

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to accept the discussion regarding the Oneida Airport Hotel Corporation Board applications as information, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

3. Review applications for five (5) vacancies - Oneida Nation Veterans Affairs Committee (02:20:01)

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to accept the discussion regarding the Oneida Nation Veterans Affairs Committee applications as information and to direct Councilwoman Jennifer Webster, as Business Committee liaison, to schedule a meeting with the Legislative Operating Committee and the Oneida Nation Veterans Affairs Committee on potential amendments to the bylaws, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

4. Approve the Oneida Airport Hotel Corporation ARPA FRF LR funding request (02:20:52)

Sponsor: Kathy Hughes, Chairwoman/Oneida Airport Hotel Corporation

Motion by Marie Summers to deny the Oneida Airport Hotel Corporation ARPA FRF LR funding request and to direct Councilman Kirby Metoxen, as the Business Committee liaison, to coordinate a shareholders meeting to discuss future funding requests, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster
Not Present: Tehassi Hill

DRAFT**5. Determine next steps regarding the FY-2023 employment cap (02:22:31)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to direct the Chief Financial Officer and the Executive HR Director to work with Councilman David P. Jordan, Councilwoman Marie Summers, and Councilman Daniel Guzman King to formulate the appropriate two-part employment cap for FY-2023 and determine the appropriate format to implement with updates provided monthly at the BC work session, seconded by Lisa Liggins.

Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

XIII. ADJOURN (02:23:32)

Motion by Daniel Guzman King to adjourn at 11:05 a.m., seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Marie Summers, Jennifer Webster

Not Present: Tehassi Hill

Minutes prepared by Chad Wilson, Senior Information Management Specialist.
Minutes approved as presented on _____.

Lisa Liggins, Secretary
ONEIDA BUSINESS COMMITTEE

Adopt resolution entitled Amendments to the Furlough Law

Business Committee Agenda Request

1. Meeting Date Requested: 02/9/22

2. Session:

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

Justification: *Choose or type justification.*

3. Requested Motion:

☐ Accept as information; OR

Adopt the resolution entitled, “Amendments to the Furlough Law”

4. Areas potentially impacted or affected by this request:

☐ Finance

☒ Programs/Services

☐ Law Office

☐ MIS

☒ Gaming/Retail

☐ Boards, Committees, or Commissions

☐ Other: *Describe*

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- | | | |
|---|---|---|
| <input type="checkbox"/> Bylaws | <input checked="" type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input checked="" type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input checked="" 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: Legislative Analysis | | |

7. Budget Information:

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

8. Submission:


Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Kristen M. Hooker, LRO Staff Attorney



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: February 9, 2022
RE: Adoption of the Amendments to the Furlough Law

Please find the following attached backup documentation for your consideration of the proposed amendments to the Furlough law:

1. Resolution: Amendments to the Furlough Law
2. Statement of Effect: Amendments to the Furlough Law
3. Furlough Law Amendments Legislative Analysis
4. Furlough Law Amendments (Redline Draft)
5. Furlough Law Amendments (Clean Draft)
6. Furlough Law Amendments Fiscal Impact Statement

Overview

The Nation's Furlough Policy, which will be referred to as the Furlough law ("Law") upon adoption of the proposed amendments, was established by the Oneida Business Committee ("OBC") on November 10, 2015, through adoption of resolution BC-11-10-15-B, to enable the Nation to implement a furlough as a tool to remedy an operating deficit when a decrease or lapse of revenue or funding and/or any other budget situation warranting an unpaid leave is identified. [2 O.C. 205.1-1; 2 O.C. 205.1-2].

On October 7, 2020, the Legislative Operating Committee ("LOC") added this item to the Active Files List to incorporate Indian preference into the Law, as well as to provide clarity regarding certain other processes within the Law that were flagged for review following the recent furlough program that was implemented in response to the COVID-19 pandemic. This will be the first time that the Law has been amended since its adoption in 2015; thus, along with the more substantive changes referenced above, the Law was updated to reflect the Nation's current legislative practices and customs that are less substantive in nature, such as replacing the word "Tribe" with "Nation" and re-formatting portions of the Law to comply with the requirements of the Legislative Procedures Act.

This resolution adopts amendments to the Furlough law which will:

- Incorporate Indian preference into the Law and require that it be applied to the Nation's furlough programs in accordance therewith [2 O.C. 205.1-1(c)];
- Add priority levels to govern the order for placing into furlough status and recalling back to work those employees who remain after the application of Indian preference [2 O.C. 205.7-3];
- Clarify the process for preparing, initiating and implementing a furlough program by, in pertinent part:

- Setting conditions and clear procedures, as well as express prohibitions, for when and how a furlough program may be initiated by the OBC [2 O.C. 205.5];
- Setting conditions and clear procedures for how a furlough program will be implemented by the Nation, once initiated [2 O.C. 205.6]; and
- Assigning responsibilities to specific persons/entities for carrying out certain activities in accordance with the Law [2 O.C. 205.10].
- Require that a furlough be initiated as either an emergency or administrative program and then carried out in accordance therewith [2 O.C. 205.6-3];
- Allow the OBC to establish an ad hoc committee, made up of employees of the Nation, to assist in the implementation of a furlough program [2 O.C. 205.6-2]; and
- Add more due process to the Law by:
 - Specifying how notice must be provided to employees of the Nation who are subject to a furlough program [2 O.C. 205.6-3];
 - Requiring the Human Resources Department to add training on Indian preference to its employee orientation program that includes, at a minimum:
 - The history behind Indian preference, including the role the Bureau of Indian Affairs (“BIA”) had in its development;
 - The Indian Self-Determination and Education Assistance Act of 1975, as well as the exception to Title VII of the Civil Rights Act of 1964 for Indian preference; and
 - Examples of how Indian preference would apply to a furlough program using methods such as hypotheticals and charting [2 O.C. 205.4-4].
 - Requiring Direct Report Level positions/supervisors, who are responsible under the Law for carrying out some or all of a furlough program, to undergo training on the application of the Law every two (2) years [2 O.C. 205.10-1]; and
 - Broadening the scope of claims that an employee placed in furlough status can bring on appeal under the Law [2 O.C. 205.11].

The LOC developed the amendments to the Law through collaboration with representatives from the Human Resources Department, General Manager – Retail, Employee Relations Department and Gaming Employee Services. The LOC held sixteen (16) work meetings on the development of this Law.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the Law due to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended by the OBC until March 22, 2022, through the adoption of resolutions BC-03-28-20-A, BC-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-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F and BC-01-12-22-B.

Oneida Business Committee resolution BC-08-03-21-A, *Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19*, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed “Low” as identified by the Wisconsin Department of Health Services. During the time of the development of this Law the infection rates within Brown and Outagamie Counties exceeded “Low.” The Nation’s COVID-19 Core Decision Making Team addressed the issue of not being able to safely hold public meetings through its March 27, 2020, declaration titled “*Suspension of Public Meetings under the Legislative Procedures Act*”. This declaration suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although no public meeting for the proposed Law was held in person, the public comment period was still held open until November 11, 2021, for the submission of written comments. No written comments were received during the public comment period.

Requested Action

Adopt the Resolution: Amendments to the Furlough Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Amendments to the Furlough Law

- 1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10
11 **WHEREAS,** the Nation's Furlough Policy, which will be referred to as the Furlough law ("Law") upon
12 adoption of the proposed amendments, was established by the Oneida Business
13 Committee ("OBC") on November 10, 2015, through adoption of resolution BC-11-10-15-
14 B, to enable the Nation to implement a furlough as a tool to remedy an operating budget
15 deficit when a decrease or lapse of revenue or funding and/or any other budget situation
16 warranting an unpaid leave is identified; and
17
18 **WHEREAS,** on October 7, 2020, the Legislative Operating Committee ("LOC") added this item to the
19 Active Files List to incorporate Indian preference into the Law, as well as provide clarity
20 regarding certain other processes within the Law that were flagged for review following the
21 recent furlough program that was implemented in response to the COVID-19 pandemic;
22 and
23
24 **WHEREAS,** the LOC worked collaboratively with representatives from the Human Resources
25 Department, General Manager – Retail, Employee Relations Department and Gaming
26 Employee Services to develop the amendments to this Law; and
27
28 **WHEREAS,** the amendments to this Law incorporate Indian preference into the Law and require that it
29 be applied to the Nation's furlough programs in accordance therewith; and
30
31 **WHEREAS,** the amendments to this Law add priority levels to govern the order for placing into furlough
32 status and recalling back to work those employees who remain after the application of
33 Indian preference; and
34
35 **WHEREAS,** the amendments to this Law clarify the process for preparing, initiating and implementing
36 a furlough program, by, in pertinent part:
- 37 • Setting conditions and clear procedures, as well as express prohibitions, for when
38 and how a furlough program may be initiated by the OBC;
 - 39 • Setting conditions and clear procedures for how a furlough program should be
40 implemented by the Nation, once initiated; and
 - 41 • Assigning responsibilities to specific persons/entities for carrying out certain
42 activities in accordance with the Law.
43

44 **WHEREAS,** the amendments to this Law require that a furlough be initiated as either an emergency or
45 administrative program and then carried out in accordance therewith; and
46

47 **WHEREAS,** the amendments to this Law allow the OBC to establish an ad hoc committee, made up of
48 employees of the Nation, to assist in the implementation of a furlough program; and
49

50 **WHEREAS,** the amendments to this Law add more due process to the furlough programs by:
51

- Specifying how notice must be provided to employees of the Nation who are
- 52 subject to a furlough program;
- 53 • Requiring the Human Resources Department to add training on Indian preference
- 54 to its employee orientation program;
- 55 • Requiring Direct Report Level positions/supervisors, who are responsible under
- 56 the Law for carrying out some or all of a furlough program, to undergo training on
- 57 the application of the Law every two (2) years; and
- 58 • Broadening the scope of claims that an employee placed in furlough status can
- 59 bring on appeal under the Law.

60

61 **WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact
62 statement were developed for the amendments to this Law; and
63

64 **WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance
65 with the Legislative Procedures Act due to the COVID-19 pandemic; and
66

67 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
68 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
69 the Nation until April 12, 2020, which was then subsequently extended by the OBC until
70 March 22, 2022, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-
71 06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-
72 20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A,
73 BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F and BC-01-12-22-B; and
74

75 **WHEREAS,** resolution BC-08-03-21-A titled, *Setting Public Gathering Guidelines during Public Health*
76 *State of Emergency—COVID-19*, prohibits indoor and outdoor public gatherings when the
77 COVID-19 infection rates within Brown or Outagamie Counties exceed "Low" as identified
78 by the Wisconsin Department of Health Services; and
79

80 **WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a
81 "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which
82 suspended the Legislative Procedures Act's requirement to hold a public meeting during
83 the public comment period for the duration of the Public Health State of Emergency, but
84 allows members of the community to still participate in the legislative process by submitting
85 written comments, questions, data, or input on proposed legislation to the Legislative
86 Operating Committee via e-mail during the public comment period; and
87

88 **WHEREAS,** although a public meeting was not held on the proposed amendments to this Law, the
89 public comment period was still held open until November 11, 2021, for the submission of
90 written comments and no individuals submitted written comments during the public
91 comment period; and
92

93 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Furlough law are hereby adopted and
94 shall become effective on February 23, 2022.
95



Statement of Effect *Amendments to the Furlough Law*

Summary

This resolution adopts the amendments to the Nation's Furlough law.

Submitted by: Kristen M. Hooker, Staff Attorney, Legislative Reference Office

Date: February 9, 2022

Analysis by the Legislative Reference Office

The Nation's Furlough Policy, which will be referred to as the Furlough law ("Law") upon adoption of the proposed amendments, was established by the Oneida Business Committee ("OBC") on November 10, 2015, through adoption of resolution BC-11-10-15-B, to enable the Nation to implement a furlough as a tool to remedy an operating deficit when a decrease or lapse of revenue or funding and/or any other budget situation warranting an unpaid leave is identified. [2 O.C. 205.1-1; 2 O.C. 205.1-2].

On October 7, 2020, the Legislative Operating Committee ("LOC") added this item to the Active Files List to incorporate Indian preference into the Law, as well as to provide clarity regarding certain other processes within the Law that were flagged for review following the recent furlough program that was implemented in response to the COVID-19 pandemic. This will be the first time that the Law has been amended since its adoption in 2015; thus, along with the more substantive changes referenced above, the Law was updated to reflect the Nation's current legislative practices and customs that are less substantive in nature, such as replacing the word "Tribe" with "Nation" and re-formatting portions of the Law to comply with the requirements of the Legislative Procedures Act.

This resolution adopts amendments to the Law which will:

- Incorporate Indian preference into the Law and require that it be applied to the Nation's furlough programs in accordance therewith [2 O.C. 205.1-1(c)];
- Add priority levels to govern the order for placing into furlough status and recalling back to work those employees who remain after the application of Indian preference [2 O.C. 205.7-3];
- Clarify the process for preparing, initiating and implementing a furlough program by, in pertinent part:
 - Setting conditions and clear procedures, as well as express prohibitions, for when and how a furlough program may be initiated by the OBC [2 O.C. 205.5];
 - Setting conditions and clear procedures for how a furlough program will be implemented by the Nation, once initiated [2 O.C. 205.6]; and
 - Assigning responsibilities to specific persons/entities for carrying out certain activities in accordance with the Law [2 O.C. 205.10].

- Require that a furlough be initiated as either an emergency or administrative program and then carried out in accordance therewith [2 O.C. 205.6-3];
- Allow the OBC to establish an ad hoc committee, made up of employees of the Nation, to assist in the implementation of a furlough program [2 O.C. 205.6-2]; and
- Add more due process to the Law by:
 - Specifying how notice must be provided to employees of the Nation who are subject to a furlough program [2 O.C. 205.6-3];
 - Requiring the Human Resources Department to add training on Indian preference to its employee orientation program that includes, at a minimum:
 - The history behind Indian preference, including the role the Bureau of Indian Affairs (“BIA”) had in its development;
 - The Indian Self-Determination and Education Assistance Act of 1975, as well as the exception to Title VII of the Civil Rights Act of 1964 for Indian preference; and
 - Examples of how Indian preference would apply to a furlough program using methods such as hypotheticals and charting [2 O.C. 205.4-4].
 - Requiring Direct Report Level positions/supervisors, who are responsible under the Law for carrying out some or all of a furlough program, to undergo training on the application of the Law every two (2) years [2 O.C. 205.10-1]; and
 - Broadening the scope of claims that an employee placed in furlough status can bring on appeal under the Law [2 O.C. 205.11].

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA requires that for all proposed legislation both a legislative and fiscal analysis be developed. [1 O.C. 109.6 and 109.7]. The Furlough law amendments comply with these requirements.

The LPA also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the amendments to the Law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until March 22, 2022, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-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-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F and BC-01-12-22-B.

Oneida Business Committee resolution BC-08-03-21-A, Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed “Low” as identified by the Wisconsin Department of Health Services. During the time of the development of the amendments to this Law, the infection rates within Brown and Outagamie

Counties exceeded “Low.” The Nation’s COVID-19 Core Decision Making Team addressed the issue of not being able to safely hold public meetings through its March 27, 2020, declaration titled “Suspension of Public Meetings under the Legislative Procedures Act”. This declaration suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although a public meeting for the Furlough law amendments was not held, the public comment period was still held open until November 11, 2021. The Legislative Operating Committee did not receive any written submissions of comments during the public comment period.

Adoption of this resolution complies with the process and procedures of the LPA as it has been modified by the COVID-19 Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.

This resolution provides that the amendments to the Furlough law would become effective on February 22, 2022, in accordance with the LPA. [1 O.C. 109.9-3].

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws, as it complies with the Legislative Procedures Act as it has been modified by the COVID-19 Core Decision Making Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.



FURLOUGH LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Amendments	<ul style="list-style-type: none"> ▪ To incorporate Indian preference into the Furlough law (“Law”) and require that it be applied to the Nation’s furlough programs in accordance therewith; ▪ To add priority levels to govern the order for placing in furlough status and recalling back to work those employees who remain after the application of Indian preference; ▪ To clarify the process for preparing, initiating and implementing a furlough program, by, in pertinent part: <ul style="list-style-type: none"> • Setting conditions and clear procedures, as well as express prohibitions, for when and how a furlough program may be initiated by the Oneida Business Committee (“OBC”); • Setting conditions and clear procedures for how a furlough program will be implemented by the Nation, once initiated; and • Assigning responsibilities to specific persons/entities for carrying out certain activities in accordance with the Law. ▪ To require a furlough be initiated as either an emergency or administrative program and then implemented in accordance therewith; ▪ To allow the OBC to establish an ad hoc committee, made up of employees of the Nation, to assist in the implementation of a furlough program; ▪ To add more due process to the Law by: <ul style="list-style-type: none"> • Specifying how notice must be provided to employees of the Nation who are subject to a furlough program; • Requiring the Human Resources Department to add training on Indian preference to its employee orientation program that includes, at a minimum: <ul style="list-style-type: none"> ○ The history behind Indian preference, including the role the Bureau of Indian Affairs (“BIA”) had in its development; ○ The Indian Self-Determination and Education Assistance Act of 1975, as well as the exception to Title VII of the Civil Rights Act of 1964 for Indian preference; and ○ Examples of how Indian preference would apply to a furlough program using methods such as hypotheticals and charting. • Requiring Direct Report Level positions/supervisors, who are responsible under the Law for carrying out some or all of a furlough program, to undergo training on the application of the Law every two (2) years; and • Broadening the scope of claims that an employee placed in furlough status can bring on an appeal under the Law.
Purpose	To enable the Nation to implement a furlough as a tool to remedy an operating budget deficit when a decrease or lapse of revenue or funding and/or any other budget situation warranting an unpaid leave is identified. [2 O.C. 205.1-1; 205.1-2].
Affected Entities and Individuals	Employees of the Oneida Nation; Human Resources Department; the Oneida Business Committee; Oneida Nation employees in Direct Report Level and supervisory positions, along with their authorized designees.
Related Legislation	Legislative Procedures Act; Layoff Policy; Open Records and Open Meetings law; Budget Management and Control law; Boards, Committees and Commissions law; Personnel Policies and Procedures law.

Public Meeting	A public comment period was held open until November 11, 2021. A public meeting was not 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> .
Fiscal Impact	The Finance Department provided a fiscal impact statement on December 15, 2021.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Furlough Policy, which will be referred to as the Furlough law upon adoption of the proposed amendments, was first adopted by the OBC on November 10, 2015, through resolution BC-11-10-15-B. [2 O.C. 205.2-1]. The Law was established to enable the Nation to implement a furlough as a tool to remedy an operating budget deficit when a decrease or lapse of revenue or funding and/or any other budget situation warranting an unpaid leave is identified. [2 O.C. 205.1-1; 2 O.C. 205.1-2].
- B. On October 7, 2020, the Legislative Operating Committee ("LOC") added this item to the Active Files List to incorporate Indian preference into the Law, as well as to provide clarity regarding certain other processes within the Law that were flagged for review following the recent furlough program that was implemented in response to the COVID-19 pandemic.
- C. This will be the first time that the Law has been amended since its adoption in 2015; thus, along with the substantive amendments that resulted from the collaboration referenced further herein, the Law was updated to reflect the Nation's current legislative practices/customs that are less substantive in nature (e.g., replacing the word "Tribe" with "Nation" and re-formatting per the Legislative Procedures Act).

SECTION 3. CONSULTATION AND OUTREACH

- A. **Departments.** Representatives from the following departments participated in the development of the amendments to this Law and the legislative analysis:
- Human Resources Department
 - General Manager - Retail
 - Employee Relations Department
 - Gaming Employee Services
- B. **Laws of the Nation.** The drafting of this legislative analysis included a review of the following laws of the Nation: Boards, Committees and Commissions [1 O.C. 105]; Open Records and Open Meetings [1 O.C. 107]; Legislative Procedures Act [1 O.C. 109]; Budget Management and Control [1 O.C. 121]; Layoff Policy [2 O.C. 207]; Conflict of Interest [2 O.C. 217]; Emergency Management [3 O.C. 302]; Oneida Nation Gaming Ordinance [5 O.C. 501]; Indian Preference in Contracting [5 O.C. 502]; and the Nation's Personnel Policies and Procedures.
- C. **Area and Tribal Laws.** The following federal, state and tribal laws were also reviewed in the development of this legislative analysis:
- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e;
 - The Indian Self Determination and Education Assistance Act of 1975, 25 U.S.C. § 450(c);
 - Federal and state laws related to labor and employment standards for exempt and non-exempt employees;
 - Unemployment insurance benefits laws of the State of Wisconsin;
 - Stockbridge-Munsee Tribal Law, Chapter 54 – Employee Preference Policy Ordinance;
 - Coquille Indian Tribal Code, Chapter 188, Part 1 – General Governmental Affairs – Tribal and Indian Preference in Employment; and
 - Nez Perce Tribe's Human Resources Manual.

SECTION 4. PROCESS

- A. The amendments to this Law have followed the process as set forth in the Legislative Procedures Act ("LPA").
- On October 7, 2020, the Legislative Operating Committee added the Law to its Active Files List.
 - On August 4, 2021, the Legislative Operating Committee approved the draft amendments to the Law and directed that a legislative analysis be prepared for consideration at the next LOC meeting.

- 48 ▪ On August 18, 2021, the Legislative Operating Committee approved the draft amendments to the
49 Law, along with the legislative analysis.
- 50 ▪ On October 6, 2021, the Legislative Operating Committee approved the Furlough law
51 amendments public comment period notice and forwarded the Furlough law amendments to a
52 public comment period to be held open until November 11, 2021.
- 53 ▪ On November 11, 2021, the public comment period closed. No written submissions of comments
54 were received during this public comment period.
- 55 ▪ On November 17, 2021, the Legislative Operating Committee accepted the public comment
56 period review memorandum recognizing no comments were received.
- 57 ▪ On December 1, 2021, the Legislative Operating Committee approved updated drafts of the
58 proposed amendments and legislative analysis. Additionally, the LOC approved the fiscal impact
59 statement request memorandum for forwarding on to the Finance Department, directing that a
60 fiscal impact statement be prepared and submitted to the LOC by December 15, 2021.
- 61 ▪ The Finance Department provided a fiscal impact statement on December 14, 2021, finding the
62 impact “Indeterminate” due to a lack of sufficient timing to perform a full assessment. The
63 Finance Department indicated that it would need approximately six (6) more weeks to perform
64 the full assessment, which the LOC granted on December 15, 2021, giving the Finance
65 Department until January 26, 2022, to submit an updated fiscal impact statement.
- 66 B. The following work meetings were held by the Legislative Reference Office in the development of the
67 amendments to this Law:
- 68 ▪ October 22, 2020, a meeting was held with Councilwoman, Marie Summers, to briefly discuss
69 her basis for requesting that the Furlough law be added to the Active Files List.
- 70 ▪ November 13, 2020, a work meeting was held with representatives from the Human Resources
71 Department (“HRD”) and Retail.
- 72 ▪ January 26, 2021, a work meeting was held with representatives from the HRD and Retail.
- 73 ▪ February 3, 2021, a work meeting was held with the LOC.
- 74 ▪ February 17, 2021, a work meeting was held between the LOC and representatives from the
75 HRD, Gaming Employee Services and Retail.
- 76 ▪ February 25, 2021, a work meeting was held with the LOC.
- 77 ▪ April 9, 2021, a work meeting was held with the LOC.
- 78 ▪ April 13, 2021, a work meeting was held with the LOC.
- 79 ▪ June 10, 2021, a work meeting was held with the LOC.
- 80 ▪ July 8, 2021, a work meeting was held with representatives from the HRD, Gaming Employee
81 Services and Retail.
- 82 ▪ July 21, 2021, a work meeting was held with the LOC.
- 83 ▪ August 18, 2021, a work meeting was held with the LOC.
- 84 ▪ August 26, 2021, a work meeting was held with the LOC.
- 85 ▪ September 23, 2021, a work meeting was held with the LOC.
- 86 ▪ December 1, 2021, a work meeting was held with the LOC.
- 87 ▪ December 15, 2021, a work meeting was held with the LOC.
- 88 C. **COVID-19 Pandemic’s Effect on the Legislative Process.** The world is currently facing a pandemic
89 of COVID-19. The COVID-19 outbreak originated in Wuhan, China and has spread to many other
90 countries throughout the world, including the United States. The COVID-19 pandemic has resulted in
91 high rates of infection and mortality, as well as vast economic impacts including effects on the stock
92 market and the closing of all non-essential businesses. A public meeting for the proposed amendments
93 to the Law was not held due to the COVID-19 pandemic, but a public comment period for the
94 submission of written comments was held open.
- 95 ▪ *Declaration of a Public Health State of Emergency.*
- 96 ○ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
97 *of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State
98 of Emergency for the Nation until April 12, 2020, and set into place the necessary authority
99 for action to be taken and allows the Nation to seek reimbursement of emergency
100 management actions that may result in unexpected expenses.

- The Public Health State of Emergency has since been extended until March 22, 2022, by the Oneida Business Committee through the adoption of resolutions: BC-03-28-20-A, BC-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-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F and BC-01-12-22-B.
- *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the Legislative Procedures Act.*
 - On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Suspension of Public Meetings Under the Legislative Procedures Act*” declaration which suspended the Legislative Procedures Act’s requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.
- *Oneida Business Committee Resolution BC-08-03-21-A, Setting Public Gathering Guidelines during Public Health State of Emergency – COVID-19.*
 - On August 3, 2021, the Oneida Business Committee adopted resolution BC-08-03-21-A titled, *Setting Public Gathering Guidelines during Public Health State of Emergency – COVID-19*, which provides that indoor and outdoor events shall be canceled when the infection rates within Brown or Outagamie Counties exceed “Low” as identified by the Wisconsin Department of Health Services. Both Brown and Outagamie Counties were and continue to be experiencing “High” rates of COVID-19 infections.
- *Conclusion.*
 - Although a public meeting was not held on the proposed amendments to the Law, a public comment period was still held open until November 11, 2021, in accordance with resolution BC-08-03-21-A and the Legislative Procedures Act as modified by the COVID-19 Core Decision Making Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration. No public comments were received during this public comment period.

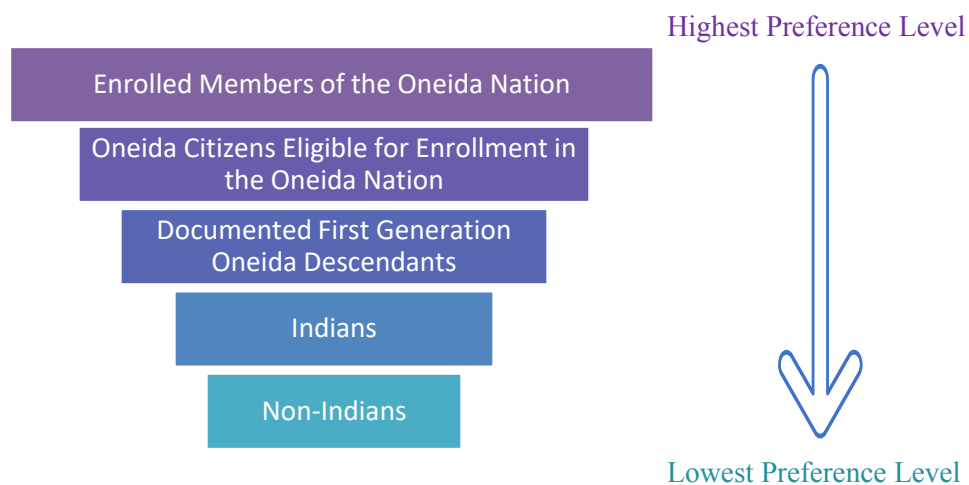
SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Indian Preference.** Currently, the Law does not allow Indian preference to be used as a consideration in identifying which employees of the Nation to place in furlough status upon the implementation of a furlough program. [2 O.C. 205.5-4]. The proposed amendments will incorporate Indian preference into the Nation’s furlough programs and require that it be applied when deciding the order in which employees of the Nation are placed in furlough status, upon initiation of a furlough program, as well as recalled back to work when the program ends. [2 O.C. 205.1-1(c); 2 O.C. 205.4-2].
- **Basis for Preference.** Federal laws have been adopted by the United States Congress to combat employment and economic discrimination that remains from the forcible removal of Indigenous people from their homelands.
 - Indian Self-Determination and Education Assistance Act of 1975. Through the Indian Self-Determination and Education Assistance Act of 1975 (“ISDEAA”), tribes are authorized to provide their own services created by the federal trust responsibility. ISDEAA allows tribes to assume administrative responsibility for federally funded programs designed for their benefit, primarily services which are administered by the BIA and the Indian Health Service. [25 U.S.C. § 5130].
 - Title VII of the Civil Rights Act of 1964. Title VII of the Civil Rights Act of 1964 (“Title VII”) prohibits preferential employment practices that are based on race, religion, color, sex or national origin. However, Title VII contains an exception for Indian preference that reads: “nothing contained in this title shall apply to any business or enterprise on or near

an Indian Reservation with regard to any *publicly* announced employment practice of such business or enterprise under which preferential treatment is given to an individual because he or she is Indian.” [42 U.S.C. § 2000e-2(i)(emphasis added.)].

By adding Indian preference to the Law, the Nation is exercising its sovereign power to help protect the gainful employment of its members and eradicate discrimination against Indian people in the workforce. Also, it is fulfilling the prerequisite to Title VII’s exception by publicly announcing that the Nation intends to afford preferential treatment to its citizens and citizens of other federally recognized Indian tribes when implementing a furlough program under the Law.

- **Applying Preference Levels.** Under section 205.4-2 of the proposed amendments and subject to any exceptions set forth within the Law, the Nation’s furlough programs will now be administered in a manner that affords preferential treatment to Indian people in the following order, starting with the category of employees to be given the highest level of preference:



[2 O.C. 205.4-2(c)].

- **Definitions.** To ensure consistency in the application of Indian preference to the Nation’s furlough programs, the following definitions were added to the Law to help clarify where employees of the Nation fall within the preference spectrum:
 - Indian preference – means preference for Indian people, regardless of tribal affiliation, in all aspects of employment, with Oneida citizens being afforded the highest levels of preference for purposes of this law. [2 O.C. 205.3-1(h)];
 - Indian – means any person, other than an Oneida citizen, who is a citizen of a federally-recognized Indian tribe, other than the Oneida Nation. [2 O.C. 205.3-1(g)]; and
 - Oneida citizen – means those persons who are enrolled members of the Nation, eligible for enrollment in the Nation or documented first generation Oneida descendants. [2 O.C. 205.3-1(j)].
- **Effect.** By adding Indian preference into the Law and, absent an exception, requiring that it be applied to give preference according to the above diagram, with the highest level of preference being afforded to the top category of employees, no employee of the Nation who is an Oneida citizen or an Indian person, as defined within the Law, shall be placed in furlough status so long as an employee, within the same department or division and position, who is non-Indian remains employed. [2 O.C. 205.4-2].

- B. **Application [2 O.C. 205.4].** Section 205.4 of the proposed amendments titled, *Application*, replaces section 205.4 of the current Law titled, *Furlough*. This section was added, not only to publicly declare the incorporation of Indian preference into the Nation’s furlough programs (as discussed above), but to clarify and/or mandate the following with respect to the application of this Law:

- That, unless otherwise stated, the Law applies to all employees, as well as employment decisions, of the Nation that are governed, whether in whole or part, thereby [2 O.C. 205.4-1];
- That, but for Indian preference, the Nation is an Equal Opportunity Employer that prohibits the application of this Law and/or the implementation of a furlough program to occur in a manner that discriminates based on race, color, religion, sex, pregnancy, age, national origin, citizenship status, veteran status, physical or mental disability, genetic information and/or any other basis protected by the anti-discrimination provisions of Title VII [2 O.C. 205.4-3];
- That, the HRD will be responsible for introducing new employees of the Nation to the concept of Indian preference, as well as how it applies to the Nation's furlough programs, during its employee orientation training [2 O.C. 205.4-4]; and
 - Goal for Orientation. During the development of these amendments, the LOC wanted to ensure that new employees of the Nation were familiar with the concept of Indian preference, as well as the history behind it, and how it would be applied to one or more departments/divisions of the Nation during a furlough program before it happened, as opposed to first learning about the process during an actual program implementation.
- That, furlough programs shall not be:
 - Used to resolve performance-related issues, grievances or to take the place of disciplinary actions [2 O.C. 205.4-5(a)];
 - Administered or implemented in violation of the Law or any other applicable laws/policies of the Nation [2 O.C. 205.4-5(b)]; and
 - Implemented in a manner that requires interdepartmental transfers when applying Indian preference to the processes set forth within the Law [2 O.C. 205.4-5(c)].
 - Effect. When adding Indian preference into the Law, a discussion took place on whether to require interdepartmental transfers of employees when deciding the order for placement into furlough status, as well as for recall back to work. Work-group members, specifically those from the Nation's revenue generating areas, raised concerns over how disruptive it could be to have to train an employee from another department to replace an existing, already trained, employee just to adhere to the requirements of Indian preference. Section 205.4-5(c) was added to clarify that interdepartmental transfers are not required when applying Indian preference during a furlough program.

C. ***Furlough Implementation Plan [2 O.C. 205.5].*** The current section 205.5 of the Law, titled, *Furlough Plans*, was retitled, *Furlough Implementation Plan*, and revised to include certain steps that now must be taken before a furlough program is even implemented, the goal being for the implementation process to unfold in a more efficient, organized and consistent manner upon initiation by the OBC. [2 O.C. 205.5-1(a)(1)]. These pre-implementation activities include:

- That, within a reasonable time after the amendments to the Law are adopted, all Direct Report Level positions, or their authorized designees, are required to submit a furlough implementation plan to the HRD for approval. [2 O.C. 205.5-1].
 - "Authorized designee" is defined in the Law as "an employee identified by a Direct Report Level position to develop or assist in developing a furlough implementation plan when the individual employed in the Direct Report Level position is unavailable or requests such assistance from that employee." [2 O.C. 205.3-1(b)].
 - Effect. By allowing authorized designees to act in the place of a Direct Report Level position, the Law now addresses situations where a Direct Report Level position is vacant or subject to placement in furlough status at the time of program implementation.
- That, the HRD shall be required to create the standard template, subject to approval by the OBC, for the Direct Report Level positions/authorized designees to use when creating their department's or division's furlough implementation plan for approval, the goal of the template being to elicit, at a minimum, the following information from Direct Report Level positions/authorized designees:

- Which positions within their respective department or division may qualify as a critical position [2 O.C. 205.5-1(a)(1)(A)];
 - “Critical position” is now defined in the Law as “a position of employment within the Nation that is crucial to governmental functions, including, but not limited to, health, safety, regulatory compliance and/or revenue generation.” [2 O.C. 205.3-1(c)]. How critical positions are determined and treated during a furlough program is discussed further below in this analysis.
 - Which employees within their respective department or division may qualify for Indian preference and the corresponding level of preference that would apply under section 205.4 of the Law [2 O.C. 205.5-1(a)(1)(B)];
 - Which positions and/or employees within their respective department or division may be exempt from the application of Indian preference and the basis for said exemption [2 O.C. 205.5-1(a)(1)(C)];
 - Whether any employees within their respective department or division may be interested in volunteering to be placed in furlough status if a furlough program were implemented [2 O.C. 205.5-1(a)(1)(D)]; and
 - Whether any positions within their respective department or division are capable of being adjusted to promote Indian preference when deciding which employees to place in furlough status [2 O.C. 205.5-1(a)(1)(E)].
 - Point of Clarification. The purpose of section 205.5-1(a)(1)(E) is to have Direct Report Level positions/authorized designees explore whether a position or position description, *within their department/division*, can be adjusted to better advance the goal of Indian preference – not to require Direct Report Level positions/authorized designees to consider the transfer of employees from one department/division to another since, as indicated above, section 205.4-5(c) prohibits the application of Indian preference to occur in such manner.
- That, the HRD shall create a Standard Operating Procedure (“SOP”) setting forth how a furlough implementation plan shall be processed under the Law once the standard template is approved by the OBC, which must, at a minimum, address:
 - How the standard template will be distributed to the Direct Report Level positions or their authorized designees [2 O.C. 205.5-1(b)(1)];
 - The process for Direct Report Level positions and/or authorized designees to follow upon receiving the standard template, including:
 - How to create a furlough implementation plan using the standard template [2 O.C. 205.5-1(b)(2)(A)]; and
 - How to submit a furlough implementation plan to the HRD for approval and how long the Direct Report Level positions/authorized designees have to submit their plans to the HRD after receiving the standard template [2 O.C. 205.5-1(b)(2)(B) and 205.5-1(b)(2)(C)].
 - How the HRD will process furlough implementation plans for approval upon submission by the Direct Report Level positions/authorized designees [2 O.C. 205.5-1(b)(3)]; and
 - How the HRD will notify the Direct Report Level positions/authorized designees of its decision to approve or reject their furlough implementation plan and, if rejected, the reason for the rejection and the process for resubmitting the furlough implementation plan for reconsideration [2 O.C. 205.5-1(b)(4)].
- And that, both the HRD and Direct Report Level positions/authorized designees shall review their standard template and furlough implementation plan, respectively, every two (2) years to assess whether they need to be updated to better advance the underlying goals/policies of the Law or account for any relevant changes within departments/divisions or the organization in general. [2 O.C. 205.5-2].
 - Any changes to either the standard template or furlough implementation plan must go through the same approval process as the original versions. [2 O.C. 205.5-2(a) & (b)].

- 300 **D. *Furlough Implementation* [2 O.C. 205.6].** This section was added to govern the implementation of a
 301 furlough program, starting with its inception, causing the current section 205.6 titled, *Supervisor*
 302 *Responsibilities*, to be moved to a later section within the Law. Under the proposed amendments, a
 303 furlough program must still be initiated through a directive by resolution of the OBC, as is currently
 304 required. [2 O.C. 205.4-1; Proposed Law 2 O.C. 205.6-2]. However, the following provisions were
 305 added for purposes of clarity, due process and consistency:
- 306 ■ ***Alternatives to Furlough.*** Prior to initiating a furlough program through adoption of a resolution,
 307 the OBC will now be required to consider whether any reasonable alternative(s) to a furlough exist
 308 and, if so, must exhaust said alternative(s) before initiating the furlough, so long as the burden of
 309 doing so on the Nation as a whole does not outweigh the benefit to the employees who may be
 310 affected by the furlough program at issue. [2 O.C. 205.6-1].
 - 311 ■ ***Contents of the Furlough Resolution.*** In addition to the directive and the furlough dates that are
 312 already required in the current Law [2 O.C. 205.4-1], under the proposed amendments, the furlough
 313 resolution will also have to include the following:
 - 314 ○ The OBC's basis for implementing the furlough program at issue [2 O.C. 205.6-2(a)(1)];
 - 315 ○ Whether the furlough is being implemented as an administrative or emergency program [2
 316 O.C. 205.6-2(a)(2)];
 - 317 • ***Program Distinctions.*** In the proposed Law, a furlough must be characterized as
 318 either an emergency or administrative program and then carried out in accordance
 319 with said characterization. [2 O.C. 205.6-3]. The basis for adding this distinction
 320 and its impact upon implementation are discussed further below.
 - 321 ○ If feasible under the circumstances and then to the extent thereof, the beginning and ending
 322 dates of the furlough program [2 O.C. 205.6-2(a)(3)];
 - 323 ○ If feasible under the circumstances and then to the extent thereof, which areas within the
 324 Nation will be subject to the furlough program and which positions, if any, are considered
 325 critical positions exempt from placement in furlough status [2 O.C. 205.6-2(a)(4)]; and
 - 326 ○ Whether an ad hoc committee will be established to assist in the implementation of the
 327 furlough program [2 O.C. 205.6-2(a)(5)].
 - 328 ■ ***Ad Hoc Committee.*** Under the proposed Law, the OBC may, in its discretion, establish an ad hoc
 329 committee to assist with the implementation of a furlough program by, including, but not limited
 330 to, helping the OBC identify which areas of the Nation should be subject to the furlough program,
 331 as well as which positions, if any, should be deemed critical, and thus, exempt from placement in
 332 furlough status. [2 O.C. 205.6-2(b)]. If established, the ad hoc committee:
 - 333 ○ Must be made up of employees of the Nation, identified by the OBC within the furlough
 334 resolution or through a subsequent resolution/motion, who possess an expertise relative to
 335 the type and severity of the event giving rise to the furlough at issue [2 O.C. 205.6-2(b)(1)];
 - 336 • ***Note.*** Although the proposed Law requires the OBC to state whether it intends to
 337 establish an ad hoc committee in the furlough resolution, it gives the OBC a little
 338 more flexibility with respect to identifying committee members by allowing the
 339 identification to occur within the furlough resolution or a subsequent resolution/
 340 motion.
 - 341 ○ Must meet as necessary and at the request of the OBC to carry out the OBC's directives
 342 consistent with the Law [2 O.C. 205.6-2(b)(2)];
 - 343 ○ Is not subject to the Boards, Committees and Commissions law and members of the ad hoc
 344 committee are not entitled to receive stipends or any other form of compensation, other
 345 than their employee pay, for serving on the committee [2 O.C. 205.6-2(b)(3)]; and
 - 346 ○ Will dissolve upon conclusion of the furlough program for which it was established or on
 347 an early date determined by the OBC [2 O.C. 205.6-2(b)(4)].
 - 348 ■ ***Furlough Programs.*** Under the proposed amendments, a furlough must be implemented as either
 349 an administrative or emergency program upon initiation and then carried out in accordance with
 350 the portions of section 205.6 that apply to such characterization. [2 O.C. 205.6-3].

- Applicable to Both Programs. In addition to the provisions that will govern the specific furlough program being initiated, the following will apply to either program, regardless of characterization during the implementation phase:
 - That, employees must receive notice of the implementation of a furlough in writing and the notice must contain, at a minimum:
 - Advanced warning that, if recalled back to work, the failure to respond to the recall within ten (10) business days of receiving the written notice of recall will be treated as a resignation of employment by that employee per the governing laws of the Nation [2 O.C. 205.6-3(a)(1)(A)]; and
 - A directive that it is the employee's responsibility to ensure that the Nation has his or her most up-to-date contact information throughout the furlough period [2 O.C. 205.6-3(a)(1)(B)].
 - That, the written notice shall be sent to employees using the outlet or outlets deemed most capable of reaching them in as efficient a manner as possible under the circumstances. [2 O.C. 205.6-3(a)(2)].
- Emergency Furlough Programs. Under the proposed amendments, the OBC may initiate a furlough program on an emergency basis when in the best interest of the Nation due to Acts of God that require an immediate curtailment of activities within the organization. [2 O.C. 205.6-3(b)].
 - A definition for "Acts of God" was added to the Law to mean "an event or effect that can be neither anticipated nor controlled, including both acts of nature, such as floods and hurricanes, and acts of people, such as riots, strikes, and wars." [2 O.C. 205.3-1(a)].
 - Effect. More flexibility is given to the Nation when initiating an emergency versus an administrative furlough program since, by its very title/definition, the event giving rise to the need for an emergency furlough program will be unexpected and/or unpredictable. As such, if the OBC cannot accurately determine the start or end date of the emergency furlough program being implemented, the Law allows for it to provide said dates with as much advanced notice as is reasonably possible under the circumstances. [2 O.C. 205.6-3(b)(1)].
 - Although the LOC wanted to offer some flexibility when it comes to emergency furlough programs, it also wanted to ensure that employees affected by the implementation of an emergency furlough program were not in a state of limbo for an indeterminate amount of time. Thus, the LOC added a provision stating: "No emergency furlough program implemented hereunder shall last for longer than twenty-six (26) weeks from the date of implementation unless extended by the OBC through a subsequent resolution." [2 O.C. 205.6-3(b)(2)].
- Administrative Furlough Programs. Unlike emergency furlough programs, administrative furlough programs would be initiated by the OBC in response to a foreseeable event that is likely to result in a temporary reduction in revenue/funding or some other organizational issue where the intent is to recall employees back to work once the event has subsided. [2 O.C. 205.6-3(c)]. With administrative furloughs, a minimum of five (5) business days of advance notice to employees is required, as well as specific dates in which the program will begin and end. [2 O.C. 205.6-3(c)(1) & 2].
 - Effect. The basis for including the language "where the intent is to recall employees back to work once the event has subsided" is to create a definitive line for when a furlough may be used in place of a layoff. For example, if the event is likely to result in a reduction of revenue, but is not temporary in nature, the requirement that there be intent to recall employees back to work would be missing, and thus, a layoff of the employees affected would be the more appropriate and equitable avenue. [See 2 O.C. 205.6-3(c)(3)("If the intent to bring employees back is not present or is improbable at the time employee reductions are deemed necessary,

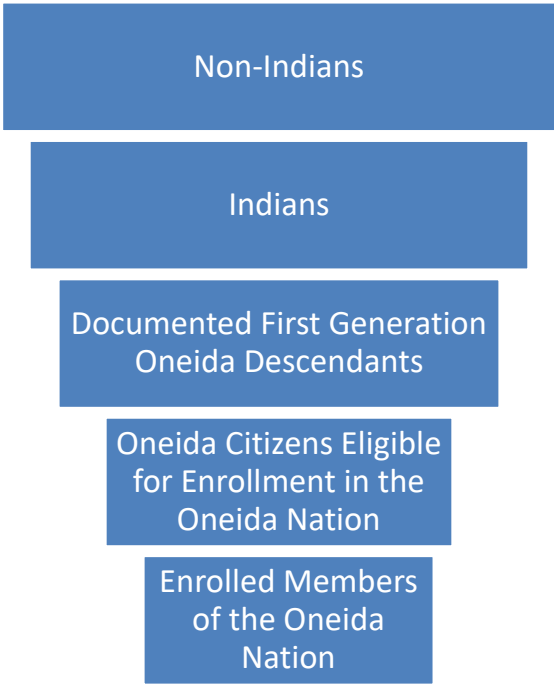
employees shall be selected for layoff, as opposed to placement in furlough status, consistent with the laws and policies of the Nation governing employee layoffs.”)].

E. **Placing Employees in Furlough Status [2 O.C. 205.7].** This section was added to the Law to provide more direction on how employees of the Nation are to be selected for placement in furlough status upon the implementation of a program to ensure more consistency, regardless of department/division, in the application of this Law. [2 O.C. 205.7-1]. According to this section, once a furlough program is initiated and the appropriate Direct Report Level positions/authorized designees are notified of the same, employees within a department/division impacted by the program will be retained and placed in furlough status as follows:

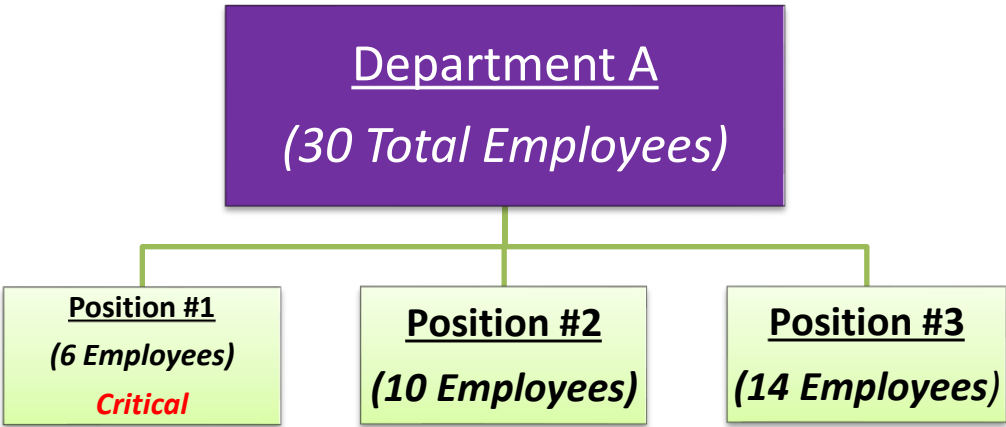
- **Critical Positions.** If the OBC, or the ad hoc committee per the OBC’s request and subject to its approval, has identified critical positions within an affected department/division, those positions would be exempt from placement into furlough status during the specific furlough program for which the position was deemed critical. [2 O.C. 205.7-2].
 - Exception. If, after the initial identification of critical positions occurs, the OBC determines that it is necessary to cut some or all of a position within a department/division that is deemed critical, it may do so through adoption of a subsequent resolution. [2 O.C. 205.7-2(b)]. Employees within the same critical position that are later subject to reduction per this exception shall be placed in furlough status pursuant to the order of preference and priority established in section 205.7 and recalled back to work pursuant to the order of preference and priority established in section 205.9 of the Law. [2 O.C. 205.7-2(b)(1)].
- **Non-Critical Positions.** When deciding the order for placing non-critical positions in furlough status, the proposed Law states, generally, that “[d]irectives from the Oneida Business Committee regarding employee furlough reductions ... shall be carried out by the Direct Reports Level position /authorized designee of the affected department/division in a manner that furthers the policy behind Indian preference to the greatest extent possible without rendering the affected department/division inoperable or unable to reasonably conduct business.” [2 O.C. 205.7-3]. And specifically, it dictates that, absent an exception, the following order shall be adhered to when placing non-critical position employees within the same department or division in furlough status:
 - Temporary Employees. Temporary employees within a department or division that is affected by a furlough program implementation shall be the first category of employees to be placed in furlough status. [2 O.C. 205.7-3(a)].
 - A temporary employee is defined as an employee hired by the Nation for a short-term assignment and consists of the following classifications: (1) Emergency/Temporary; Limited Term; Seasonal; Substitute/Relief; Youth Worker and Student /Intern. [2 O.C. 205.3-1(a)(l)].
 - Volunteer Employees. Following the placement of temporary employees in furlough status, eligible employees who volunteer for said placement shall be the next category of employees to be placed in furlough status. [2 O.C. 205.7-3(b)].
 - In order to ensure that any employee who volunteers for placement in furlough status does so of his or her own free will, the following was added to the Law to govern this category of employees:
 - That, employees who volunteer to be placed in furlough status must sign a form, created by the HRD, confirming as follows:
 1. They volunteered to be placed in furlough status notwithstanding any preference or eligibility for retention that they may have;
 2. Their decision to volunteer was not coerced or based on any promises of compensation or other consideration; and
 3. They understand that they are not guaranteed a recall back to work and, as a result, could be terminated from their employment with the Nation. [2 O.C. 205.7-3(a)(2)(A)(i)-(iii)].
 - Indian Preference. Absent an express exception and following placement of the first two categories, when the remaining number of employees in the same position within a

department or division exceeds the number of said employees to be placed in furlough status, the order of placement shall occur in the following order, beginning with the first category:

1 Order for Placement in Furlough Status (First to Last)



Illustrative Hypothetical: Following a tornado, a portion of Department A’s building suffers structural damage that makes it impossible for all its employees to conduct business therein. The damage will take approximately six (6) weeks to repair. In response, the OBC implements an administrative furlough program, through adoption of a resolution that instructs the Direct Report Level position for Department A to place half of its non-critical employees in furlough status until the repairs are done. Department A has thirty (30) employees who incumbent (3) positions as follows:



Scenario Based on Hypothetical: Position #1 is deemed critical, and thus, exempt from placement in furlough status. [2 O.C. 205.7-2]. This leaves Positions #2 and #3 subject to placement in furlough status per the OBC’s directive. In accordance with the general requirement that placement in furlough status occur in a manner that adheres to Indian preference to the greatest extent without rendering Department A inoperable or unable to reasonably conduct business, the Direct Reports

Level position decides to cut five (5) employees from Position #2 and seven (7) employees from Position #3.

Position #2: Of the ten (10) employees in Position #2, three (3) of the employees are Non-Indian, two (2) of the employees are Indian, and the remaining five (5) employees are a combination of Nation Members or Documented First Generation Descendants of the Nation. **Result** – The three (3) Non-Indian employees and two (2) Indian employees will be placed in furlough status, while the remaining five (5) employees, who are either Members of the Nation or Documented First Generation Descendants, will remain working.

Position #3: Of the fourteen (14) employees in Position #3, four (4) of the employees are Non-Indian and the remaining ten (10) employees are Members of the Nation. **Result** – The four (4) Non-Indian employees will be placed in furlough status, leaving three (3) of the remaining ten (10) employees in the same preference category – i.e., Members of the Nation – subject to placement in furlough status. In order to decide which three (3) of the ten (10) Members to place in furlough status, the Direct Reports Level position would have to look to section 205.7-3(a)(4) of the Law, which lays out how to prioritize the retention of employees who remain in the same preference category, following application of Indian preference. Section 205.7-3(a)(4) provides as follows:

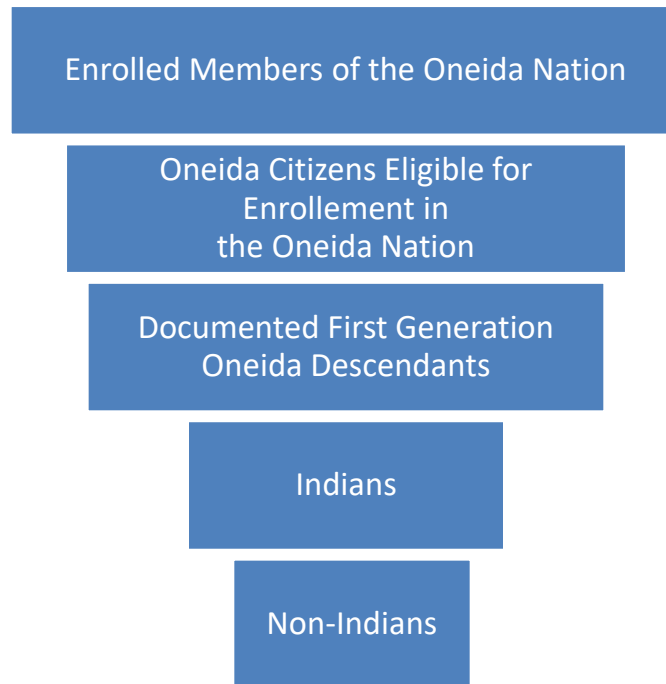
1. *Seniority.* Employees who have served the Nation as a regular status employee without a break in employment for the longest amount of time shall be afforded the highest level of retention priority;
2. *Veteran Status.* If employees remain after applying the priority for seniority, employees with veteran status shall be afforded the next level of retention priority over the other employees who remain within the same preference category; and
3. *Performance Evaluation.* If employees remain after applying the priority for veterans, employees with a more favorable performance evaluation shall be afforded retention priority over the employees with a less favorable performance evaluation who remain within the same preference category.
 - ❖ Note: The Law requires that the most current performance evaluation in existence on the date the OBC adopts the furlough resolution at issue shall be the evaluation that is used when assessing priority under this last category. [2 O.C. 205.7-3(a)(4)(C)(i)].

G. Furloughed Employees [2 O.C. 205.8]. This section of the Law was amended to allow for the OBC to continue providing certain benefits to employees placed in furlough status on a case-by-case basis, subject to budgetary constraints, as well as any governing policies or agreements underlying said benefits. In addition, overtime and additional duty pay may be offered on a case-by-case basis, subject to approval by the OBC. [2 O.C. 205.8-4; 2 O.C. 205.8-5].

- Effect. Under the current law, employees placed in furlough status were not entitled to benefits, such as medical insurance. Under the proposed amendments, if the Nation is able, both financially and contractually, employees will continue to receive benefits while in furlough status. And, if the employees who remain working are accruing a significant amount of overtime or taking on a substantial number of additional duties, the OBC now has the authority to approve overtime and extra duty pay on a case-by-case basis.

H. Recall of Furloughed Employees [2 O.C. 205.9]. This section of the Law provides more guidance on the process for recalling back to work those employees who were placed in furlough status. With respect to the order for recalling back to work, Indian preference is applied in the reverse order as set forth in section 205.7 of the Law and contains the same priority requirements to be applied when the number of employees who remain in the same preference category exceeds the number to be recalled upon the close of the furlough program at issue.

530
531 2 Order for Recall Back from Placement in Furlough Status (First to Last)



532
533 This section of the Law was further amended to provide additional direction regarding the following:
534 ▪ Volunteers. With respect to those employees who volunteered for placement in furlough status, the
535 proposed Law makes clear that those employees who qualify for the preference and priority as set
536 forth within this section will retain such preference/priority regardless of volunteering and will be
537 given additional priority over others within the same preference and priority category who did not
538 volunteer. [2 O.C. 205.9-1(b)].
539 ▪ Notice of Recall and Responses. With respect to what is expected of employees placed in furlough
540 status who are recalled back to work, the proposed Law now states:
541 ○ A failure to respond to the notice of recall within ten (10) business days of the employee's
542 receipt thereof shall be interpreted to mean that the employee does not intend to return on
543 the date of his or her recall and treated as a resignation of employment by that employee
544 per the governing laws and policies of the Nation. [2 O.C. 205.9-2(b)].
545

546 **I. Responsibilities of Direct Report Level and Supervisor Positions** [2 O.C. 205.10]. This section of the
547 Law was amended to include a requirement that persons employed in Direct Reports Level and supervisory
548 positions with the Nation, along with any of their authorized designees, shall be responsible for undergoing
549 training, provided by the HRD, on the application of the Law, as well as the programs to be implemented
550 thereunder. [2 O.C. 205.10-1(a)].
551

552 **J. Appeal** [2 O.C. 205.11]. The proposed amendments to the Law expand the basis upon which an
553 employee can file an appeal from claims that a placement in furlough status was based on a disciplinary
554 reason to claims that a placement in furlough status occurred in violation of the Law. [2 O.C. 205.11-1].
555

556 SECTION 6. RELATED LEGISLATION

557 **A. Reference to Other Laws.** The following laws of the Nation are referenced in the proposed Law, and
558 thus, are required to be followed absent a legislative exception, or were contemplated during the
559 development of the proposed amendments or this legislative analysis.

- 560 ▪ Open Records and Open Meetings [1 O.C. Chapter 107]. This law sets the requirements for how
- 561 meetings of the Nation’s governmental bodies shall be conducted, as well as how materials from
- 562 that meeting shall be maintained and made available to the public. [1 O.C. 107.1 & 107.12]. Section
- 563 107.9 of the Open Records and Open Meetings law governs the retention of records that are
- 564 produced in the course of governmental business. [1 O.C. 107.9-1]. It provides, in pertinent part,
- 565 that “[u]nless an alternate retention period is approved by the Oneida Business Committee for
- 566 specific records and except as otherwise provided by law, all records shall be retained at least seven
- 567 (7) years before destruction.” [1 O.C. 107.9-4]. The proposed amendments do not conflict with the
- 568 portion of the Open Records and Open Meetings law that governs the release and retention of
- 569 records.
- 570 ▪ Social Media Policy [2 O.C. Chapter 218]. This law regulates social media accounts, including
- 571 how content is managed and published on behalf of the Nation. [2 O.C. 218.1-1]. Employees who
- 572 obtain outside employment while in furlough status under a program governed by the proposed
- 573 Law will be required to still adhere to the social media requirements that apply to employees of the
- 574 Nation pending their recall back to work. There are no conflicts between the proposed amendments
- 575 and the Nation’s Social Media Policy.
- 576 ▪ Computer Resources Ordinance [2 O.C. Chapter 215]. This law regulates the use of computer
- 577 resources that are owned and operated by the Nation and, among other individuals, applies to
- 578 employees of the Nation. [2 O.C. 215.1-1 & 215.3-1]. Employees who obtain outside employment
- 579 while in furlough status under a program governed by the proposed Law will be required to still
- 580 adhere to the provisions of this law that apply to employees of the Nation pending their recall back
- 581 to work. There are no conflicts between the proposed amendments and the Nation’s Computer
- 582 Resources Ordinance.
- 583 ▪ Conflict of Interest [2 O.C. Chapter 217]. This law establishes specific limitations on the handling,
- 584 as well as sharing, of information/materials that are confidential in nature or could be used by the
- 585 Nation’s competitors and providers during negotiations to the Nation’s detriment. [2 O.C. 217.1-
- 586 1]. It applies to the Nation’s employees, contractors, elected officials, officers, political appointees
- 587 and appointed/elected members of the Nation’s boards, committees and commissions. [2 O.C.
- 588 217.1-1]. Employees who obtain outside employment while in furlough status under a program
- 589 governed by the proposed Law will be required to still adhere to the provisions of this law that
- 590 apply to employees of the Nation pending their recall back to work. There are no conflicts between
- 591 the proposed amendments and the Nation’s Conflict of Interest law.
- 592 ▪ Layoff Policy [2 O.C. Chapter 207]. This law establishes a fair, respectful policy for employee
- 593 layoff and recall which enables Oneida Nation programs and enterprises to operate effectively and
- 594 efficiently in varying economic conditions within the parameters of Oneida Nation Seventh
- 595 Generation Mission, Priorities and Objectives. [2 O.C. 207.1-1]. There are no conflicts between
- 596 the proposed amendments and the Nation’s Conflict of Interest law.
- 597 ○ It is worth noting that the Layoff Policy is on the LOC’s Active Files List for amendment
- 598 this term. Any gaps in the law or provisions that could be interpreted to conflict with the
- 599 proposed amendments to this Law will be amended accordingly and consistently with the
- 600 LOC’s policy/basis for placing both the Layoff Policy and Furlough Policy on the Active
- 601 Files List for amendment.
- 602 ▪ Personnel Policies and Procedures. The Personnel Policies and Procedures law provides employees
- 603 with a ready source of information about employee related Oneida Nation policies and procedures
- 604 that apply to all employees. [PPP, Section 1]. There are no conflicts between the proposed
- 605 amendments and the Nation’s Personnel Policies and Procedures law.
- 606

607 SECTION 7. OTHER CONSIDERATIONS

608 A. *Fiscal Impact*.

- 609 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation
- 610 except emergency legislation. [1 O.C. 109.6-1].
- 611 ▪ Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of*
- 612 ‘*Fiscal Impact Statement*’ in the *Legislative Procedures Act*,” provides further clarification on

613 who the Legislative Operating Committee may direct complete a fiscal impact statement at
614 various stages of the legislative process, as well as timeframes for completing the fiscal impact
615 statement.
616 ▪ On December 15, 2021, the Legislative Operating Committee received a fiscal impact
617 statement for this Law from the Finance Department.
618

Title 2. Employment – Chapter 205

FURLOUGH ~~POLICY~~

205.1. Purpose and Policy
 205.2. Adoption, Amendment, Repeal
 205.3. Definitions
 205.4. Furlough Application
 205.5. Furlough Plans
 205.6. Supervisor Responsibilities
 205.7. Appeal

205.5. Furlough Implementation Plan
205.6. Furlough Implementation
205.7. Placing Employees in Furlough Status
205.8. Furloughed Employees
205.9. Recall of Furloughed Employees
205.10. Direct Report Level and Supervisor Responsibilities
205.11. Appeal

205.1. Purpose and Policy

205.1-1. Purpose. -The purpose of this ~~Policy~~law is to ~~enable:~~

(a) Enable the TribeNation to implement a furlough as a tool program in response to remedy an operating budget deficit.interruption of governmental revenues or operations, insufficient treasury funds or other emergencies/ unplanned events as determined by the Oneida Business Committee in accordance with this law;

205.1-2. ~~Policy.~~ This Policy shall apply to all employees of the Tribe. To utilize a furlough, a decrease or lapse of revenue or funding and/or any other budget situation warranting an unpaid leave shall be identified.

(b) Establish a consistent and equitable process for implementation of a furlough program; and

(c) Incorporate Indian preference into the furlough program and require that it be applied in accordance with this law.

205.1-2. Policy. It is the policy of the Nation to have consistent and standard procedures to address events and/or incidents that impact employees of the Nation. It is further the policy of the Nation to incorporate and adhere to Indian preference in all aspects of employment within the Oneida Nation.

205.2. Adoption, Amendment, Repeal

205.2-1. This Policy~~law~~ was adopted by the Oneida Business Committee by resolution BC-11-10-15-B- and amended by resolution BC- - - -.

205.2-2. This ~~Policy~~law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

205.2-3. Should a provision of this Policy~~law~~ or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~policy~~law which are considered to have legal force without the invalid portions.

205.2-4. In the event of a conflict between a provision of this ~~Policy~~law and a provision of another ~~policy~~law, the provisions of this ~~Policy~~law shall control.

205.2-5. This ~~Policy~~law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin~~Nation.

205.3. Definitions

205.3-1. This section shall govern the definitions of words or phrases as used within this ~~Policy~~law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) ~~“Direct report level~~Acts of God” means an event or effect that can be neither anticipated

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nor controlled, including both acts of nature, such as floods and hurricanes, and acts of people, such as riots, strikes, and wars.

(b) “Additional duties” means responsibilities of another position” ~~means within the Nation that is not within an employee’s current scope of work.~~

(c) “Authorized designee” means an employee identified by a Direct Report Level position to develop or assist in developing a furlough implementation plan when the individual employed in the Direct Report Level position is unavailable or requests such assistance from that employee.

(d) “Critical position” means a position of employment within the Nation that is crucial to governmental functions, including, but not limited to, health, safety, regulatory compliance and/or revenue generation.

(e) “Direct Report Level position” means a position of employment within the Nation that ~~is~~ the highest level in the chain of command under the Oneida Business Committee and ~~who is responsible for a Tribal Department~~department and/or ~~Division~~division of the Nation.

~~(b)f~~ “Employee” means any individual ~~who is employed by the Tribe and is subject to the direction and control of the Tribe with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship.~~ “Employee” includes, but is not limited to, ~~an individual~~ employed by the Nation, including, but not limited to, employees of any program or enterprise of the ~~Tribe and Nation~~, political appointees, ~~but does not include elected or appointed official~~temporary employees, and employees on probationary status.

(eg) “Furlough” means ~~a~~temporary, unpaid ~~leave from~~time off of work for a specified period of time.

~~(d)~~ ~~(h)~~ “Indian” means any person, other than an Oneida citizen, who is a citizen of a federally recognized Indian tribe, other than the Oneida Nation.

(i) “Indian preference” means ~~a~~preference ~~granted to retain an Oneida member employee over other non member employees for Indian people, regardless of tribal affiliation, in all aspects of employment, with Oneida citizens being afforded the highest levels of preference for purposes of this law.~~

~~(e)~~j) “Nation” means the Oneida Nation.

(k) “Oneida citizen” means those persons who are enrolled members of the Nation, eligible for enrollment in the Nation or documented first generation Oneida descendants.

(l) “Supervisor” means ~~a person~~an employee of the Nation who directly oversees the work and performance of an employee on a daily basis.

~~(f)~~ ~~“Tribe” or “Tribal”~~m) “Temporary employee” means an employee hired by the Nation for a short-term assignment and consists of the following classifications:

(1) Emergency/Temporary;

(2) Limited Term;

(3) Seasonal;

(4) Substitute/Relief;

(5) Youth Worker; and

(6) Student/Intern.

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83 **205.4. Application**

84 205.4-1. Unless otherwise stated herein, this law shall apply to all employees of the Nation and
85 all employment decisions of the Nation that are governed, whether in whole or in part, by this law.

86 205.4-2. Indian Preference. It is the intent of this law, and the policy of the Nation, that no
87 employee who is Indian shall be furloughed so long as an employee, within the same department/
88 division and position, who is non-Indian is still employed.

89 (a) Title VII of the Civil Rights Act of 1964 allows private and government employers on
90 or near a Federal Trust Indian Reservation to exercise Indian preference in employment.

91 (b) The Indian Self Determination and Education Act affirms that any tribal employment
92 or contract preference laws adopted by such tribe shall govern.

93 (c) In accordance with this section and subject to any express exceptions set forth herein,
94 a furlough program shall be administered in a manner that affords preferential treatment to
95 Oneida Tribe of citizens and Indians of Wisconsin in the following order, starting with
96 those employees to be given the highest level of preference when applying the provisions
97 of this law:

98 (1) Enrolled members of the Oneida Nation;

99 (2) Oneida citizens eligible for enrollment in the Oneida Nation;

100 (3) Documented first generation Oneida descendants;

101 (4) Indians; and

102 (5) Non-Indians.

103 **205.4-3.**

104 205.4 Equal Opportunity Employer. Notwithstanding section 205.4-2, the Nation is an Equal
105 Opportunity Employer that prohibits the application of this law and/or the implementation of a
106 furlough program in a manner that discriminates based on race, color, religion, sex, pregnancy,
107 age, national origin, citizenship status, veteran status, physical or mental disability, genetic
108 information and/or any other basis protected by the anti-discrimination provisions of Title VII of
109 the Civil Rights Act of 1964.

110 205.4-4. Training on Indian Preference. The Human Resources Department shall be responsible
111 for introducing new employees of the Nation to the concept of Indian preference, as well as how
112 it applies to the furlough programs set forth herein, during employee orientation. Such introduction
113 shall include, at a minimum, coverage of the following topics:

114 (a) The history behind Indian preference, including the role that the Bureau of Indian
115 Affairs ("BIA") had in its development;

116 (b) The Indian Self-Determination and Education Assistance Act of 1975, as well as the
117 exception to Title VII of the Civil Rights Act of 1964; and

118 (c) Examples of how Indian preference would apply in the event of a furlough program
119 when deciding which employees of the Nation would be placed in furlough status, as well
120 as the order in which they would be recalled, using methods to include, but not be limited
121 to, hypotheticals and charting.

122 205.4-5. Prohibitions. Any furlough program of the Nation that is initiated in accordance with
123 this law shall not:

124 (a) Be used as a means to resolve performance-related problems, grievance issues or to
125 take the place of disciplinary actions;

126 (b) Be administered or implemented in violation of this law or any other applicable laws/

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127 policies of the Nation; and/or

128 (c) Be implemented in a manner that requires interdepartmental transfers when applying
129 Indian preference to the processes set forth herein.

130 –
131 **205.5. Furlough Implementation Plan**

132 ~~205.4-1.~~ 205.5-1. *Implementation Plan.* Within a reasonable time after this law goes into
133 effect, all Direct Report Level positions, or their authorized designees, shall submit a furlough
134 implementation plan to the Human Resources Department for approval.

135 (a) The Human Resources Department shall create a standard template that Direct Report
136 Level positions and/or authorized designees must use when developing their furlough
137 implementation plan hereunder.

138 (1) The intent of the standard template shall be to elicit, in advance, information
139 that will allow the Nation to implement a furlough program in as efficient and
140 consistent a manner as possible under the circumstances, the information of which
141 shall include, but not be limited to:

142 (A) Which positions within their respective department or division may
143 qualify as a critical position;

144 (B) Which employees within their respective department or division may
145 qualify for Indian preference and the corresponding level of preference that
146 would apply under section 205.4-2 of this law;

147 (C) Which positions and/or employees within their respective department
148 or division may be exempt from the application of Indian preference and
149 the basis for said exemption;

150 (D) Whether any employees within their respective department or division
151 may be interested in volunteering to be placed in furlough status in the event
152 a furlough program is implemented; and

153 (E) Whether any positions within their respective department or division
154 are capable of being adjusted to promote Indian preference when deciding
155 which employees to place in furlough status.

156 (2) The Human Resources Department shall submit its standard template to the
157 Oneida Business Committee for approval by resolution prior to distributing it to the
158 Direct Report Level positions and/or authorized designees for development in
159 accordance herewith.

160 (b) The Human Resources Department shall create a Standard Operating Procedure which
161 sets forth how a furlough implementation plan shall be processed under this law once the
162 standard template is approved by the Oneida Business Committee, that shall, at a minimum,
163 address the following:

164 (1) Distribution of the standard template to the Direct Report Level positions and/or
165 their authorized designees;

166 (2) The process for Direct Report Level positions and/or authorized designees to
167 follow upon receiving the standard template, including, but not limited to:

168 (A) How a furlough implementation plan shall be created using the standard
169 template;

170 (B) How a furlough implementation plan shall be submitted to the Human

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171 Resources Department for approval; and
172 (C) The amount of time the Direct Report Level positions and/or their
173 authorized designees have to submit their furlough implementation plans to
174 the Human Resources Department upon receipt of the standard template.
175 (3) How the Human Resources Department will process furlough implementation
176 plans for approval upon submission by the Direct Report Level positions and/or
177 authorized designees; and
178 (4) How the Human Resources Department will notify the Direct Report Level
179 positions and/or authorized designees of its decision to approve or reject their
180 furlough implementation plan and, if rejected, the reason for the rejection and the
181 process for resubmitting the furlough implementation plan for reconsideration.
182 (c) Copies of approved furlough implementation plans shall be retained by the Human
183 Resources Department, as well as the Direct Report Level positions and/or authorized
184 designees, consistent with governing law.
185 205.5-2. *Furlough Implementation Plan Updates.* The furlough implementation plan, as well as
186 the standard template upon which it is developed, shall be updated as follows:
187 (a) *Standard Template.* Within two (2) years of its initial approval by resolution and then
188 every two (2) years thereafter, the Human Resources Department shall review its standard
189 template to assess whether it should be updated to better advance the underlying goals/
190 policies of this section, as well as the law in general.
191 (1) Updates to the standard template must be approved by the Oneida Business
192 Committee in accordance with section 205.5-1 of this law.
193 (b) *Implementation Plan.* Within two (2) years of initial approval by the Human Resources
194 Department and then every (2) years thereafter, the Direct Report Level positions and/or
195 authorized designees shall review their furlough implementation plan to assess whether it
196 needs to be updated to account for any relevant changes within their department/division,
197 including, but not limited to, changes in personnel, changes in positions and/or changes to
198 any of the job descriptions attached to a position.
199 (1) Updates to a furlough implementation plan must be processed and approved in
200 accordance with section 205.5-1 of this law, as well as the Standard Operating
201 Procedure created by the Human Resources Department in accordance therewith.
202 (c) Nothing in this section shall be interpreted to prohibit an earlier review of the standard
203 template or furlough implementation plan nor the number of times they are reviewed.
204
205 **205.6. Furlough Implementation**
206 205.6-1. *Alternatives to Furlough.* Prior to adopting a furlough resolution hereunder, the Oneida
207 Business Committee shall consider whether any reasonable alternative options to implementation
208 of a furlough program exist and, if so, exhaust the option or options in advance of implementation
209 so long as the burden of doing so on the Nation as a whole does not outweigh the benefit to the
210 employees who may be affected by the implementation of a furlough program.
211 205.6-2. *Furlough Resolution.* —If the Oneida Business Committee has identified the
212 ~~necessity~~need for a furlough program, a directive by resolution shall be given to the appropriate
213 Direct Report Level positions-, authorized designees, and any other individual or entity deemed
214 necessary by the Oneida Business Committee.

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- 215 (a) The resolution shall ~~direct~~include the following:
216 (1) The basis for implementing the furlough program;
217 (2) Whether it is being implemented as an administrative or emergency furlough
218 program;
219 (3) If feasible under the circumstances and to the extent of such feasibility so long
220 as not less than is required under this law for the particular furlough program being
221 implemented, the beginning and ending dates of the furlough- program;
222 (4) If feasible under the circumstances and to the extent of such feasibility, which
223 areas within the Nation will be subject to the furlough program and which positions,
224 if any, are considered critical positions exempt from being placed in furlough status;
225 and
226 (5) Whether an ad hoc committee will be established pursuant to this section to
227 assist in the implementation of the furlough program.
228 (b) *Ad Hoc Committee.* The Oneida Business Committee may, in its discretion, establish
229 an ad hoc committee to assist in the implementation of a furlough program by, among other
230 actions, helping to identify which areas of the Nation should be subject to the furlough
231 program and which positions, if any, should be deemed critical, when directed to by the
232 Oneida Business Committee.
233 (1) The ad hoc committee shall be made up of employees of the Nation, identified
234 by the Oneida Business Committee within the furlough resolution or through a
235 subsequent resolution or motion, who possess an expertise commensurate with the
236 type and severity of the event giving rise to the need for the implementation of a
237 furlough program.
238 (2) The ad hoc committee shall meet as necessary and at the request of the Oneida Business
239 Committee to~~205.4-2. Implementation of Furlough Plans. Upon the passage of a resolution~~
240 ~~directing that a furlough be implemented, all Direct Report Level positions shall immediately carry~~
241 ~~out the furlough plans for his or her respective departments or agencies. An employee shall be~~
242 ~~furloughed on days that the employee is normally scheduled to work or on holidays recognized by~~
243 ~~the Tribe, whether the employee is normally scheduled to work or not.~~
244 carry out its responsibilities per the directive of the Oneida Business Committee
245 and in a manner consistent with this law.
246 (3) The ad hoc committee shall not be subject to the Boards, Committees and
247 Commissions law and employees shall not be entitled to stipends or any additional
248 form of compensation for serving on an ad hoc committee established hereunder.
249 (4) The ad hoc committee shall dissolve upon conclusion of the furlough program
250 for which it was established or on an early date as determined by the Oneida
251 Business Committee, subject to the following:
252 (A) The ad hoc committee shall prepare, as well as present, a close-out
253 report, in accordance with the Oneida Business Committee's directive; and
254 (B) The ad hoc committee shall forward all materials and records that were
255 used and/or created to carry out its responsibilities hereunder to the Human
256 Resources Department for storage/disposal in accordance with governing
257 law.
258 205.6-3. Furlough Programs. A furlough program shall be characterized as either an emergency

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or an administrative program in the furlough resolution and then carried out in accordance with the portions of this section that apply to such characterization.

(a) *In General.* The following shall apply to all furlough programs implemented hereunder, regardless of their characterization.

(1) ~~205.4-3. Notice.~~ **A supervisor shall give an employee** of the implementation of a furlough program shall be provided to employees in writing and, along with information relevant to the furlough program being implemented, include the following:

(A) Fair warning regarding the employee's failure to respond to a notice of recall as set forth in section 205.9-2 of this law; and

(B) A directive that it is the responsibility of the employee to ensure that the Nation has his or her most current contact information.

(2) Written notice shall be sent to employees via the outlet(s) deemed most capable of reaching them in as efficient a manner as possible under the circumstances.

(A) In the event that the Nation develops a formal process to provide mass notifications to employees for events such as the implementation of a furlough program, such process shall be deemed the most capable outlet hereunder and used to provide written notice to employees for purposes hereof.

(b) *Emergency Furlough Program.* An emergency furlough program may be initiated by the Oneida Business Committee when in the best interest of the Nation due to Acts of God that require immediate curtailment of activities within the organization.

(1) *Notice.* Employees shall be notified of the Oneida Business Committee's decision to implement an emergency furlough program as far in advance of the program's implementation date as is reasonably possible under the circumstances.

(A) If circumstances do not allow for the Oneida Business Committee to set a specific date upon which the emergency furlough program will end within the furlough resolution, notice of the anticipated end date shall be provided as soon thereafter as is reasonably possible, consistent with section 205.6-3 of this law.

(2) *Duration.* No emergency furlough program implemented hereunder shall last for longer than twenty-six (26) weeks from the date of implementation, unless extended by the Oneida Business Committee through a subsequent resolution.

(c) *Administrative Furlough Program.* An administrative furlough program may be initiated by the Oneida Business Committee in response to a foreseeable event that is likely to result in a temporary reduction in revenue/funding or some other organizational issue when the intent is to recall employees back to work once the event has subsided.

(1) *Notice.* Employees shall be notified of the Oneida Business Committee's decision to implement an administrative furlough program at least five (5) business days prior to a furlough being implemented in advance of the program's implementation date.

(2) *Duration.* The beginning and ending dates of the administrative furlough program shall be specified within the furlough resolution.

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(A) An administrative furlough program shall end on the date specified within the furlough resolution, unless revised or extended by the Oneida Business Committee through a subsequent resolution.

(B) Notice of a revised or extended end date for an administrative furlough program shall be provided as soon as reasonably possible in advance of the original end date, consistent with section 205.6-3 of this law.

(3) If the intent to bring employees back is not present or is improbable at the time employee reductions are deemed necessary, employees shall be selected for layoff, as opposed to placement in furlough status, consistent with the laws and policies of the Nation governing employee layoffs.

205.7. Placing Employees in Furlough Status

205.7-1. This section shall govern the manner in which employees of the Nation are selected to be placed in furlough status following the adoption of a resolution triggering the implementation of a furlough program.

205.7-2. Critical Positions. Except as otherwise stated herein, employment positions identified as critical pursuant to this section of the law shall be exempt from placement into furlough status during the specific furlough program for which the position was deemed critical.

(a) Critical positions shall be identified by the Oneida Business Committee, or ad hoc committee upon the Oneida Business Committee's directive and subject to its approval, within the furlough resolution referenced in section 205.6-2 of this law or as soon thereafter as is reasonably possible under the circumstances in a subsequent resolution or motion.

(1) Amendments. The Oneida Business Committee, with assistance from the ad hoc committee if so requested, may amend the list of identified critical positions as it deems necessary under the circumstances.

(A) Direct Report Level positions or their authorized designees may submit requests for amendments to the list of identified critical positions under their direction to the Oneida Business Committee for consideration.

(b) Exception. The Oneida Business Committee may, when deemed necessary, direct that reductions be made to positions initially identified as critical under this section, through adoption of a subsequent resolution.

(1) Employees within the same critical position who become subject to a reduction hereunder, shall be placed in furlough status pursuant to the order of preference and priority established in section 205.7, and recalled back to work pursuant to the order of preference and priority established in section 205.9 of this law.

205.7-3. Non-Critical Positions. Directives from the Oneida Business Committee regarding employee furlough reductions, as set forth in the initial resolution or a subsequent resolution related thereto, shall be carried out by the Direct Report Level position/authorized designee of the affected department/division in a manner that furthers the policy behind Indian preference to the greatest extent possible without rendering the affected department/division inoperable or unable to reasonably conduct business.

(a) Placing Employees in Furlough Status. Unless otherwise stated herein, the following order shall be adhered to when placing non-critical position employees within the same

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department or division in furlough status.

(1) *Temporary Employees.* Temporary employees within a department or division shall be the first category of employees to be placed in furlough status.

(2) *Volunteer Employees.* Following the placement of temporary employees in furlough status, eligible employees who volunteer for said placement shall be the next category of employees to be placed in furlough status, subject to the following:

(A) Employees who volunteer to be placed in furlough status must sign a form, created by the Human Resources Department, confirming that:

(i) They volunteered to be placed in furlough status notwithstanding any preference or eligibility for retention that they may have;

(ii) Their decision to volunteer was not coerced or based on any promises of compensation or other consideration; and

(iii) They understand that they are not guaranteed a recall back to work and, as a result, could be terminated from their employment with the Nation.

(B) Once signed, the employee shall be provided with a copy for his or her position records and the Human Resources Department shall retain the original copy in a manner consistent with the Nation's Open Records and Open Meetings law and/or any other applicable laws of the Nation.

205.4-4. *Continuous Service.* A (C) Employees who volunteer to be placed in furlough status shall retain the rights afforded under, as well as be subject to, the recall process set forth in section 205.9 of this law.

(3) *Indian Preference.* Absent an express exception and after application of subsections (1) and (2), above, when the remaining number of employees in the same position within a department or division exceeds the number of said employees to be placed in furlough status, the order of placement shall occur in the following order, beginning with the first category:

(A) Non-Indians;

(B) Indians;

(C) Documented first generation Oneida descendants;

(D) Oneida citizens eligible for enrollment in the Oneida Nation; and

(E) Enrolled members of the Oneida Nation.

(i) *Exceptions for Grant Positions.* Employment positions within the Nation that are funded, in whole or part, by appropriations from outside of the Nation, which prohibit, as a condition of receiving said funds, the application of Indian preference in employment practices, shall be exempt from the requirements of section 205.7-3 of this law.

(ii) *Other Exceptions.* Where it would violate an applicable federal law, including any regulations related thereto, or the terms of an applicable loan, memorandum of understanding, contract or other agreement for which the Nation is a party, the requirements of section 205.7-3 shall not constitute apply.

(4) *Other Priorities.* If, following application of Indian preference, employees

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subject to placement in furlough status within the same preference category still remain, priority shall be given to their retention in the following order, beginning with the first category:

(A) *Seniority*. Employees who have served the Nation as a regular status employee without a break in ~~continuous service~~ employment for the longest amount of time shall be afforded the highest level of retention priority.

(B) *Veteran Status*. If employees remain after applying the priority for seniority, employees with veteran status shall be afforded the next level of retention priority over the other employees who remain within the same preference category; and

(C) *Performance Evaluation*. If employees remain after applying the priority for veterans, employees with a more favorable performance evaluation shall be afforded retention priority over the employees with a less favorable performance evaluation who remain within the same preference category.

(i) The most current performance evaluation in existence on the date the Oneida Business Committee adopts the furlough resolution at issue shall be the evaluation that is used when assessing priority hereunder.

205.8. Furloughed Employees

205.8-1. Employees shall not perform any work for the ~~Tribes~~ while furloughed. ~~This includes~~ Nation when off of work due to being placed in furlough status, which includes, but is not limited to, responding to work-related e-mail and ~~voice mail~~ voicemail, as well as traveling on behalf of the ~~Tribes~~ Nation.

~~205.4-5.~~ (a) Employees within the Nation's Gaming Operations who are placed in furlough status, shall continue to adhere to the "Who May Not Play Policy" throughout the furlough period. 205.8-2. *Continuous Employment*. Being placed in furlough status shall not be considered a break in continuous service under the Nation's Personnel Policies and Procedures law or any other governing law of the Nation that contemplates continuous employment therein.

205.8-3. *Unemployment*. ~~Furloughed employees~~ Employees placed in furlough status shall be responsible for contacting the State of Wisconsin Department of Workforce Development to determine if they qualify for unemployment insurance benefits. ~~Eligibility for unemployment insurance benefits is determined by the State of Wisconsin.~~

(a) Eligibility for unemployment insurance benefits shall be determined by the State of Wisconsin.

~~205.8-4-6.~~ *Benefits*. Employees placed in furlough status shall not use or accrue personal or vacation time when on furlough. Employees for the time that they are off of work as a result of said placement.

(a) To the extent feasible and subject to the policy of insurance or contractual agreement governing the specific benefit at issue, employees placed in furlough status shall continue

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to receive other benefits ~~during a furlough~~ for which they were entitled to before the implementation of the furlough program throughout the period of time in which the furlough program is in place.

205.4-7.8-5. *Overtime and Additional Duty Pay.* ~~When a furlough~~ Unless otherwise approved by the Oneida Business Committee on a case-by-case basis, when a furlough program is implemented in a department or ~~agency~~ division, no employee in that department or ~~agency~~ division shall be eligible for:

(a) ~~overtime~~ Overtime during the same pay period that another employee from the same department or ~~agency~~ division is ~~placed in~~ furlough status; or

(b) ~~additional~~ Additional duty pay for performing duties for other employees in his or her department or ~~agency~~ division who ~~are on~~ have been placed in furlough status.

205.4-8. ~~6.~~ *Back Pay.* ~~Employees on furlough~~ Except as may be provided for in section 205.11 of this law, employees placed in furlough status shall not be eligible for back pay ~~awards~~ upon their return to work.

205.5 Furlough Plans

~~205.5-1. Furlough Plans.~~ The 205.8-7. *Outside Employment.* Employees placed in furlough status shall be allowed to obtain outside employment while in furlough status but shall remain subject to the recall provisions of section 205.9 of this law.

(a) Employees who obtain outside employment shall continue to adhere to any existing policies of the Nation that govern their positions of employment with the Nation, including, but not limited to, employee confidentiality and social media use, while in furlough status.

205.9. Recall of Furloughed Employees

205.9-1. The following shall be adhered to when deciding the order in which employees placed in furlough status are recalled back to work at the end of a furlough program.

(a) *Order for Employee Recall.* If every employee placed in furlough status is unable to be recalled back to work at the same time, or at all, the order of employee recall shall be as follows:

(1) *Indian Preference.* Indian preference shall be applied to the recall process in the following order, with the first category of employees receiving the greatest level of preference:

_____ (A) Enrolled members of the Oneida Nation;

_____ (B) Oneida citizens eligible for enrollment in the Oneida Nation;

_____ (C) Documented first generation Oneida descendants;

_____ (D) Indians; and

_____ (E) Non-Indians.

(2) *Other Priorities.* If, following application of Indian preference, employees subject to placement in furlough status within the same preference category still remain, priority shall be given to the recall of those remaining employees in the following order, beginning with the first category:

(A) *Seniority.* Employees who have served the Nation as a regular status employee without a break in employment for the longest amount of time shall be given recall priority first;

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(B) *Veteran Status*. If employees remain after applying the priority for seniority, the remaining employees with veteran status shall be given recall priority over those with a more favorable performance evaluation; and

(C) *Performance Evaluation*. If employees remain after applying the priority for veterans, the remaining employees with a more favorable performance evaluation shall be given recall priority over those with a less favorable performance evaluation.

(i) The most current performance evaluation in existence on the date the Oneida Business Committee adopts the furlough resolution at issue shall be the evaluation that is used when assigning priority hereunder.

(b) *Volunteers*. Except as stated herein, employees who qualify for Indian preference and volunteered to be placed in furlough status shall retain said preference rights during the recall process, regardless of volunteering, and be recalled consistent therewith.

(1) A volunteer employee in the same Indian preference category as an employee, who did not volunteer to be placed in furlough status and has no other priority over the volunteer employee, shall be recalled before the non-volunteer employee.

205.9-2. *Notice of Recall and Responses*.

(a) Employees shall be provided with written notice of their recall from placement in furlough status, using a method that can accurately determine the date of the employee's receipt of said notice.

(1) Along with information relevant to the employee's recall back to work, the written notice of recall shall include the language of subsection (b), below, in its entirety.

(b) *Failure to Respond*. A failure to respond to the notice of recall, in the manner indicated, within ten (10) business days of the employee's receipt thereof shall be interpreted to mean that the employee does not intend to return on the date of his or her recall and treated as a resignation of employment by that employee per the governing laws and policies of the Nation.

205.9-3. *Separation in Lieu of Recall*. Employees placed in furlough status who are not recalled at the end of the furlough program shall be terminated from their employment with the Nation in accordance with the governing laws/policies of the Nation.

205.10. Responsibilities of Direct Report Level ~~positions shall develop~~ furlough plans and Supervisor Positions

205.10-1. *Generally*. Persons employed in Direct Report Level and supervisory positions with the Nation, along with any of their authorized designees, shall be responsible for familiarizing themselves with this law, including any policies or procedures promulgated thereunder.

(a) Within a reasonable time after this law goes into effect, and then every two (2) years thereafter, the Direct Report Level and supervisory positions, along with any of their authorized designees, who would be subject to one (1) or more of the responsibilities set forth within this law in the event of a furlough program implementation, shall be required to attend training on the application of this law, as well as the programs to be implemented

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hereunder.

(1) The Human Resources Department shall be responsible for the creation and administration of the training required herein.

(b) Failure to adhere to the requirements or processes set forth within this law may result in disciplinary action or other consequences consistent with the Nation's employment laws.

205.10-2. *Direct Report Level Positions.* Upon the passage of a resolution directing a furlough be implemented, all Direct Report Level positions and/or authorized designees shall immediately carry out the directive consistent with the resolution; this law, including the Standard Operating Procedure created by the Human Resources Department in accordance therewith; and the furlough implementation plan that was approved for their respective departments and agencies. department or division.

205.5-2. The furlough plans shall set forth how each department or agency intends to implement a furlough. The plan shall include, but not be limited to, the following:

(a) an explanation of how employees will be selected;

(1) Temporary employees shall be furloughed first, followed by employees who volunteer to be furloughed. All other employees shall then be eligible to be furloughed.

(b) a tentative schedule for a furlough;

(1) Furloughs shall be scheduled in a way that allows the departments to continue to provide a basic level of service.

(c) the estimated number of employees affected; and

(d) a summary of how the furlough will relieve budgetary shortfalls.

205.5-3. *Disciplinary Furlough.* Furloughs shall not be used for disciplinary reasons.

205.5-4. *Indian Preference.* Indian preference may not be used as a consideration in identifying employees to be furloughed.

205.5-5. All furlough plans shall be kept on file with the Human Resources Department.

205.6 Supervisor Responsibilities

~~205.6-1.~~ Upon notification directive from the appropriate Direct Report Level position that furloughs are necessary, a supervisor shall:

(a) Identify positions and/or authorized designees, supervisors shall be responsible to provide notice to those employees who will be furloughed.

(b) Notify those employees that they will be furloughed and within their furlough dates; respective department or division as required under section 205.6-3 of this law and provide copies of such notice to the Human Resources Department to maintain in accordance with governing law.

(c) Notify the Human Resources Department of the chosen employees and their furlough dates.

(a) Supervisors shall ensure that job descriptions within their respective departments or divisions are accurately maintained and up-to-date.

205.7 Appeal

205.7-1. An employee who has been furloughed placed in furlough status under this Policy law may only appeal a furlough that is said placement if based on disciplinary reasons a claim that it

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occurred in violation of this law.

(a) A written appeal must be submitted to the Direct Report Level position and/or authorized designee within ten (10) business days ~~from~~ of the ~~notification~~ employees receipt of the ~~furlough notice under section 205.6 of this law.~~

(b) The burden for showing that the employee was placed in furlough status in violation of this law is ~~based on disciplinary reasons rests~~ on the employee ~~appealing the placement.~~

(c) The Direct Report Level position and/or authorized designee may make a decision based on the written appeal alone.

(1) The Direct Report Level position and/or authorized designee shall provide a written decision on the matter to the employee and the ~~supervisor~~ employee's supervisor within ten (10) business days of receiving the written appeal unless for good cause an extension is necessary.

(2) This decision is final and cannot be appealed.

205.711-2. An employee who has been ~~furloughed~~ placed in furlough status does not have any other right to appeal a furlough decision under any ~~Tribal~~ law, policy or the personnel grievance process of the Nation.

End.

Emergency Adoption – BC-10-15-13-A

Emergency Adoption Extension – BC-04-09-14-D

Adoption – BC-11-10-15-B

Adoption – BC- - - -

Title 2. Employment – Chapter 205
FURLOUGH

205.1. Purpose and Policy
205.2. Adoption, Amendment, Repeal
205.3. Definitions
205.4. Application
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205.6. Furlough Implementation

205.7. Placing Employees in Furlough Status
205.8. Furloughed Employees
205.9. Recall of Furloughed Employees
205.10. Direct Report Level and Supervisor Responsibilities
205.11. Appeal

205.1. Purpose and Policy

205.1-1. *Purpose.* The purpose of this law is to:

- (a) Enable the Nation to implement a furlough program in response to an interruption of governmental revenues or operations, insufficient treasury funds or other emergencies/unplanned events as determined by the Oneida Business Committee in accordance with this law;
- (b) Establish a consistent and equitable process for implementation of a furlough program; and
- (c) Incorporate Indian preference into the furlough program and require that it be applied in accordance with this law.

205.1-2. *Policy.* It is the policy of the Nation to have consistent and standard procedures to address events and/or incidents that impact employees of the Nation. It is further the policy of the Nation to incorporate and adhere to Indian preference in all aspects of employment within the Oneida Nation.

205.2. Adoption, Amendment, Repeal

205.2-1. This law was adopted by the Oneida Business Committee by resolution BC-11-10-15-B and amended by resolution BC-__-__-__.

205.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

205.2-3. 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.

205.2-4. 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.

205.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

205.3. Definitions

205.3-1. 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) “Acts of God” means an event or effect that can be neither anticipated nor controlled, including both acts of nature, such as floods and hurricanes, and acts of people, such as riots, strikes, and wars.
- (b) “Additional duties” means responsibilities of another position within the Nation that is not within an employee’s current scope of work.
- (c) “Authorized designee” means an employee identified by a Direct Report Level position to develop or assist in developing a furlough implementation plan when the individual

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employed in the Direct Report Level position is unavailable or requests such assistance from that employee.

(d) “Critical position” means a position of employment within the Nation that is crucial to governmental functions, including, but not limited to, health, safety, regulatory compliance and/or revenue generation.

(e) “Direct Report Level position” means a position of employment within the Nation that is the highest level in the chain of command under the Oneida Business Committee and is responsible for a department and/or division of the Nation.

(f) “Employee” means any individual employed by the Nation, including, but not limited to, employees of any program or enterprise of the Nation, political appointees, temporary employees, and employees on probationary status.

(g) “Furlough” means temporary, unpaid time off of work for a specified period of time.

(h) “Indian” means any person, other than an Oneida citizen, who is a citizen of a federally recognized Indian tribe, other than the Oneida Nation.

(i) “Indian preference” means preference for Indian people, regardless of tribal affiliation, in all aspects of employment, with Oneida citizens being afforded the highest levels of preference for purposes of this law.

(j) “Nation” means the Oneida Nation.

(k) “Oneida citizen” means those persons who are enrolled members of the Nation, eligible for enrollment in the Nation or documented first generation Oneida descendants.

(l) “Supervisor” means an employee of the Nation who directly oversees the work and performance of an employee on a daily basis.

(m) “Temporary employee” means an employee hired by the Nation for a short-term assignment and consists of the following classifications:

(1) Emergency/Temporary;

(2) Limited Term;

(3) Seasonal;

(4) Substitute/Relief;

(5) Youth Worker; and

(6) Student/Intern.

205.4. Application

205.4-1. Unless otherwise stated herein, this law shall apply to all employees of the Nation and all employment decisions of the Nation that are governed, whether in whole or in part, by this law.

205.4-2. *Indian Preference.* It is the intent of this law, and the policy of the Nation, that no employee who is Indian shall be furloughed so long as an employee, within the same department/division and position, who is non-Indian is still employed.

(a) Title VII of the Civil Rights Act of 1964 allows private and government employers on or near a Federal Trust Indian Reservation to exercise Indian preference in employment.

(b) The Indian Self Determination and Education Act affirms that any tribal employment or contract preference laws adopted by such tribe shall govern.

(c) In accordance with this section and subject to any express exceptions set forth herein, a furlough program shall be administered in a manner that affords preferential treatment to Oneida citizens and Indians in the following order, starting with those employees to be

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given the highest level of preference when applying the provisions of this law:

- (1) Enrolled members of the Oneida Nation;
- (2) Oneida citizens eligible for enrollment in the Oneida Nation;
- (3) Documented first generation Oneida descendants;
- (4) Indians; and
- (5) Non-Indians.

205.4-3. *Equal Opportunity Employer.* Notwithstanding section 205.4-2, the Nation is an Equal Opportunity Employer that prohibits the application of this law and/or the implementation of a furlough program in a manner that discriminates based on race, color, religion, sex, pregnancy, age, national origin, citizenship status, veteran status, physical or mental disability, genetic information and/or any other basis protected by the anti-discrimination provisions of Title VII of the Civil Rights Act of 1964.

205.4-4. *Training on Indian Preference.* The Human Resources Department shall be responsible for introducing new employees of the Nation to the concept of Indian preference, as well as how it applies to the furlough programs set forth herein, during employee orientation. Such introduction shall include, at a minimum, coverage of the following topics:

- (a) The history behind Indian preference, including the role that the Bureau of Indian Affairs (“BIA”) had in its development;
- (b) The Indian Self-Determination and Education Assistance Act of 1975, as well as the exception to Title VII of the Civil Rights Act of 1964; and
- (c) Examples of how Indian preference would apply in the event of a furlough program when deciding which employees of the Nation would be placed in furlough status, as well as the order in which they would be recalled, using methods to include, but not be limited to, hypotheticals and charting.

205.4-5. *Prohibitions.* Any furlough program of the Nation that is initiated in accordance with this law shall not:

- (a) Be used as a means to resolve performance-related problems, grievance issues or to take the place of disciplinary actions;
- (b) Be administered or implemented in violation of this law or any other applicable laws/policies of the Nation; and/or
- (c) Be implemented in a manner that requires interdepartmental transfers when applying Indian preference to the processes set forth herein.

205.5. Furlough Implementation Plan

205.5-1. *Implementation Plan.* Within a reasonable time after this law goes into effect, all Direct Report Level positions, or their authorized designees, shall submit a furlough implementation plan to the Human Resources Department for approval.

- (a) The Human Resources Department shall create a standard template that Direct Report Level positions and/or authorized designees must use when developing their furlough implementation plan hereunder.

- (1) The intent of the standard template shall be to elicit, in advance, information that will allow the Nation to implement a furlough program in as efficient and consistent a manner as possible under the circumstances, the information of which shall include, but not be limited to:

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- 128 (A) Which positions within their respective department or division may
129 qualify as a critical position;
- 130 (B) Which employees within their respective department or division may
131 qualify for Indian preference and the corresponding level of preference that
132 would apply under section 205.4-2 of this law;
- 133 (C) Which positions and/or employees within their respective department
134 or division may be exempt from the application of Indian preference and
135 the basis for said exemption;
- 136 (D) Whether any employees within their respective department or division
137 may be interested in volunteering to be placed in furlough status in the event
138 a furlough program is implemented; and
- 139 (E) Whether any positions within their respective department or division
140 are capable of being adjusted to promote Indian preference when deciding
141 which employees to place in furlough status.
- 142 (2) The Human Resources Department shall submit its standard template to the
143 Oneida Business Committee for approval by resolution prior to distributing it to the
144 Direct Report Level positions and/or authorized designees for development in
145 accordance herewith.
- 146 (b) The Human Resources Department shall create a Standard Operating Procedure which
147 sets forth how a furlough implementation plan shall be processed under this law once the
148 standard template is approved by the Oneida Business Committee, that shall, at a minimum,
149 address the following:
- 150 (1) Distribution of the standard template to the Direct Report Level positions and/or
151 their authorized designees;
- 152 (2) The process for Direct Report Level positions and/or authorized designees to
153 follow upon receiving the standard template, including, but not limited to:
- 154 (A) How a furlough implementation plan shall be created using the standard
155 template;
- 156 (B) How a furlough implementation plan shall be submitted to the Human
157 Resources Department for approval; and
- 158 (C) The amount of time the Direct Report Level positions and/or their
159 authorized designees have to submit their furlough implementation plans to
160 the Human Resources Department upon receipt of the standard template.
- 161 (3) How the Human Resources Department will process furlough implementation
162 plans for approval upon submission by the Direct Report Level positions and/or
163 authorized designees; and
- 164 (4) How the Human Resources Department will notify the Direct Report Level
165 positions and/or authorized designees of its decision to approve or reject their
166 furlough implementation plan and, if rejected, the reason for the rejection and the
167 process for resubmitting the furlough implementation plan for reconsideration.
- 168 (c) Copies of approved furlough implementation plans shall be retained by the Human
169 Resources Department, as well as the Direct Report Level positions and/or authorized
170 designees, consistent with governing law.
- 171 205.5-2. *Furlough Implementation Plan Updates.* The furlough implementation plan, as well as

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the standard template upon which it is developed, shall be updated as follows:

(a) *Standard Template*. Within two (2) years of its initial approval by resolution and then every two (2) years thereafter, the Human Resources Department shall review its standard template to assess whether it should be updated to better advance the underlying goals/policies of this section, as well as the law in general.

(1) Updates to the standard template must be approved by the Oneida Business Committee in accordance with section 205.5-1 of this law.

(b) *Implementation Plan*. Within two (2) years of initial approval by the Human Resources Department and then every (2) years thereafter, the Direct Report Level positions and/or authorized designees shall review their furlough implementation plan to assess whether it needs to be updated to account for any relevant changes within their department/division, including, but not limited to, changes in personnel, changes in positions and/or changes to any of the job descriptions attached to a position.

(1) Updates to a furlough implementation plan must be processed and approved in accordance with section 205.5-1 of this law, as well as the Standard Operating Procedure created by the Human Resources Department in accordance therewith.

(c) Nothing in this section shall be interpreted to prohibit an earlier review of the standard template or furlough implementation plan nor the number of times they are reviewed.

205.6. Furlough Implementation

205.6-1. *Alternatives to Furlough*. Prior to adopting a furlough resolution hereunder, the Oneida Business Committee shall consider whether any reasonable alternative options to implementation of a furlough program exist and, if so, exhaust the option or options in advance of implementation so long as the burden of doing so on the Nation as a whole does not outweigh the benefit to the employees who may be affected by the implementation of a furlough program.

205.6-2. *Furlough Resolution*. If the Oneida Business Committee has identified the need for a furlough program, a directive by resolution shall be given to the appropriate Direct Report Level positions, authorized designees, and any other individual or entity deemed necessary by the Oneida Business Committee.

(a) The resolution shall include the following:

(1) The basis for implementing the furlough program;

(2) Whether it is being implemented as an administrative or emergency furlough program;

(3) If feasible under the circumstances and to the extent of such feasibility so long as not less than is required under this law for the particular furlough program being implemented, the beginning and ending dates of the furlough program;

(4) If feasible under the circumstances and to the extent of such feasibility, which areas within the Nation will be subject to the furlough program and which positions, if any, are considered critical positions exempt from being placed in furlough status; and

(5) Whether an ad hoc committee will be established pursuant to this section to assist in the implementation of the furlough program.

(b) *Ad Hoc Committee*. The Oneida Business Committee may, in its discretion, establish an ad hoc committee to assist in the implementation of a furlough program by, among other

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actions, helping to identify which areas of the Nation should be subject to the furlough program and which positions, if any, should be deemed critical, when directed to by the Oneida Business Committee.

(1) The ad hoc committee shall be made up of employees of the Nation, identified by the Oneida Business Committee within the furlough resolution or through a subsequent resolution or motion, who possess an expertise commensurate with the type and severity of the event giving rise to the need for the implementation of a furlough program.

(2) The ad hoc committee shall meet as necessary and at the request of the Oneida Business Committee to carry out its responsibilities per the directive of the Oneida Business Committee and in a manner consistent with this law.

(3) The ad hoc committee shall not be subject to the Boards, Committees and Commissions law and employees shall not be entitled to stipends or any additional form of compensation for serving on an ad hoc committee established hereunder.

(4) The ad hoc committee shall dissolve upon conclusion of the furlough program for which it was established or on an early date as determined by the Oneida Business Committee, subject to the following:

(A) The ad hoc committee shall prepare, as well as present, a close-out report, in accordance with the Oneida Business Committee's directive; and

(B) The ad hoc committee shall forward all materials and records that were used and/or created to carry out its responsibilities hereunder to the Human Resources Department for storage/disposal in accordance with governing law.

205.6-3. *Furlough Programs.* A furlough program shall be characterized as either an emergency or an administrative program in the furlough resolution and then carried out in accordance with the portions of this section that apply to such characterization.

(a) *In General.* The following shall apply to all furlough programs implemented hereunder, regardless of their characterization.

(1) Notice of the implementation of a furlough program shall be provided to employees in writing and, along with information relevant to the furlough program being implemented, include the following:

(A) Fair warning regarding the employee's failure to respond to a notice of recall as set forth in section 205.9-2 of this law; and

(B) A directive that it is the responsibility of the employee to ensure that the Nation has his or her most current contact information.

(2) Written notice shall be sent to employees via the outlet(s) deemed most capable of reaching them in as efficient a manner as possible under the circumstances.

(A) In the event that the Nation develops a formal process to provide mass notifications to employees for events such as the implementation of a furlough program, such process shall be deemed the most capable outlet hereunder and used to provide written notice to employees for purposes hereof.

(b) *Emergency Furlough Program.* An emergency furlough program may be initiated by the Oneida Business Committee when in the best interest of the Nation due to Acts of God

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that require immediate curtailment of activities within the organization.

(1) *Notice.* Employees shall be notified of the Oneida Business Committee's decision to implement an emergency furlough program as far in advance of the program's implementation date as is reasonably possible under the circumstances.

(A) If circumstances do not allow for the Oneida Business Committee to set a specific date upon which the emergency furlough program will end within the furlough resolution, notice of the anticipated end date shall be provided as soon thereafter as is reasonably possible, consistent with section 205.6-3 of this law.

(2) *Duration.* No emergency furlough program implemented hereunder shall last for longer than twenty-six (26) weeks from the date of implementation, unless extended by the Oneida Business Committee through a subsequent resolution.

(c) *Administrative Furlough Program.* An administrative furlough program may be initiated by the Oneida Business Committee in response to a foreseeable event that is likely to result in a temporary reduction in revenue/funding or some other organizational issue when the intent is to recall employees back to work once the event has subsided.

(1) *Notice.* Employees shall be notified of the Oneida Business Committee's decision to implement an administrative furlough program at least five (5) business days in advance of the program's implementation date.

(2) *Duration.* The beginning and ending dates of the administrative furlough program shall be specified within the furlough resolution.

(A) An administrative furlough program shall end on the date specified within the furlough resolution, unless revised or extended by the Oneida Business Committee through a subsequent resolution.

(B) Notice of a revised or extended end date for an administrative furlough program shall be provided as soon as reasonably possible in advance of the original end date, consistent with section 205.6-3 of this law.

(3) If the intent to bring employees back is not present or is improbable at the time employee reductions are deemed necessary, employees shall be selected for layoff, as opposed to placement in furlough status, consistent with the laws and policies of the Nation governing employee layoffs.

205.7. Placing Employees in Furlough Status

205.7-1. This section shall govern the manner in which employees of the Nation are selected to be placed in furlough status following the adoption of a resolution triggering the implementation of a furlough program.

205.7-2. *Critical Positions.* Except as otherwise stated herein, employment positions identified as critical pursuant to this section of the law shall be exempt from placement into furlough status during the specific furlough program for which the position was deemed critical.

(a) Critical positions shall be identified by the Oneida Business Committee, or ad hoc committee upon the Oneida Business Committee's directive and subject to its approval, within the furlough resolution referenced in section 205.6-2 of this law or as soon thereafter as is reasonably possible under the circumstances in a subsequent resolution or motion.

(1) *Amendments.* The Oneida Business Committee, with assistance from the ad hoc

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committee if so requested, may amend the list of identified critical positions as it deems necessary under the circumstances.

(A) Direct Report Level positions or their authorized designees may submit requests for amendments to the list of identified critical positions under their direction to the Oneida Business Committee for consideration.

(b) *Exception.* The Oneida Business Committee may, when deemed necessary, direct that reductions be made to positions initially identified as critical under this section, through adoption of a subsequent resolution.

(1) Employees within the same critical position who become subject to a reduction hereunder, shall be placed in furlough status pursuant to the order of preference and priority established in section 205.7, and recalled back to work pursuant to the order of preference and priority established in section 205.9 of this law.

205.7-3. *Non-Critical Positions.* Directives from the Oneida Business Committee regarding employee furlough reductions, as set forth in the initial resolution or a subsequent resolution related thereto, shall be carried out by the Direct Report Level position/authorized designee of the affected department/division in a manner that furthers the policy behind Indian preference to the greatest extent possible without rendering the affected department/division inoperable or unable to reasonably conduct business.

(a) *Placing Employees in Furlough Status.* Unless otherwise stated herein, the following order shall be adhered to when placing non-critical position employees within the same department or division in furlough status.

(1) *Temporary Employees.* Temporary employees within a department or division shall be the first category of employees to be placed in furlough status.

(2) *Volunteer Employees.* Following the placement of temporary employees in furlough status, eligible employees who volunteer for said placement shall be the next category of employees to be placed in furlough status, subject to the following:

(A) Employees who volunteer to be placed in furlough status must sign a form, created by the Human Resources Department, confirming that:

(i) They volunteered to be placed in furlough status notwithstanding any preference or eligibility for retention that they may have;

(ii) Their decision to volunteer was not coerced or based on any promises of compensation or other consideration; and

(iii) They understand that they are not guaranteed a recall back to work and, as a result, could be terminated from their employment with the Nation.

(B) Once signed, the employee shall be provided with a copy for his or her records and the Human Resources Department shall retain the original copy in a manner consistent with the Nation's Open Records and Open Meetings law and/or any other applicable laws of the Nation.

(C) Employees who volunteer to be placed in furlough status shall retain the rights afforded under, as well as be subject to, the recall process set forth in section 205.9 of this law.

(3) *Indian Preference.* Absent an express exception and after application of subsections (1) and (2), above, when the remaining number of employees in the same

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position within a department or division exceeds the number of said employees to be placed in furlough status, the order of placement shall occur in the following order, beginning with the first category:

- (A) Non-Indians;
- (B) Indians;
- (C) Documented first generation Oneida descendants;
- (D) Oneida citizens eligible for enrollment in the Oneida Nation; and
- (E) Enrolled members of the Oneida Nation.

(i) *Exceptions for Grant Positions.* Employment positions within the Nation that are funded, in whole or part, by appropriations from outside of the Nation, which prohibit, as a condition of receiving said funds, the application of Indian preference in employment practices, shall be exempt from the requirements of section 205.7-3 of this law.

(ii) *Other Exceptions.* Where it would violate an applicable federal law, including any regulations related thereto, or the terms of an applicable loan, memorandum of understanding, contract or other agreement for which the Nation is a party, the requirements of section 205.7-3 shall not apply.

(4) *Other Priorities.* If, following application of Indian preference, employees subject to placement in furlough status within the same preference category still remain, priority shall be given to their retention in the following order, beginning with the first category:

(A) *Seniority.* Employees who have served the Nation as a regular status employee without a break in employment for the longest amount of time shall be afforded the highest level of retention priority.

(B) *Veteran Status.* If employees remain after applying the priority for seniority, employees with veteran status shall be afforded the next level of retention priority over the other employees who remain within the same preference category; and

(C) *Performance Evaluation.* If employees remain after applying the priority for veterans, employees with a more favorable performance evaluation shall be afforded retention priority over the employees with a less favorable performance evaluation who remain within the same preference category.

(i) The most current performance evaluation in existence on the date the Oneida Business Committee adopts the furlough resolution at issue shall be the evaluation that is used when assessing priority hereunder.

205.8. Furloughed Employees

205.8-1. Employees shall not perform any work for the Nation when off of work due to being placed in furlough status, which includes, but is not limited to, responding to work-related e-mail

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and voicemail, as well as traveling on behalf of the Nation.

(a) Employees within the Nation's Gaming Operations who are placed in furlough status, shall continue to adhere to the "*Who May Not Play Policy*" throughout the furlough period.

205.8-2. *Continuous Employment.* Being placed in furlough status shall not be considered a break in continuous service under the Nation's Personnel Policies and Procedures law or any other governing law of the Nation that contemplates continuous employment therein.

205.8-3. *Unemployment.* Employees placed in furlough status shall be responsible for contacting the State of Wisconsin Department of Workforce Development to determine if they qualify for unemployment insurance benefits.

(a) Eligibility for unemployment insurance benefits shall be determined by the State of Wisconsin.

205.8-4. *Benefits.* Employees placed in furlough status shall not use or accrue personal or vacation time for the time that they are off of work as a result of said placement.

(a) To the extent feasible and subject to the policy of insurance or contractual agreement governing the specific benefit at issue, employees placed in furlough status shall continue to receive other benefits for which they were entitled to before the implementation of the furlough program throughout the period of time in which the furlough program is in place.

205.8-5. *Overtime and Additional Duty Pay.* Unless otherwise approved by the Oneida Business Committee on a case-by-case basis, when a furlough program is implemented in a department or division, no employee in that department or division shall be eligible for:

(a) Overtime during the same pay period that another employee from the same department or division is placed in furlough status; or

(b) Additional duty pay for performing duties for other employees in his or her department or division who have been placed in furlough status.

205.8-6. *Back Pay.* Except as may be provided for in section 205.11 of this law, employees placed in furlough status shall not be eligible for back pay upon their return to work.

205.8-7. *Outside Employment.* Employees placed in furlough status shall be allowed to obtain outside employment while in furlough status but shall remain subject to the recall provisions of section 205.9 of this law.

(a) Employees who obtain outside employment shall continue to adhere to any existing policies of the Nation that govern their positions of employment with the Nation, including, but not limited to, employee confidentiality and social media use, while in furlough status.

205.9. Recall of Furloughed Employees

205.9-1. The following shall be adhered to when deciding the order in which employees placed in furlough status are recalled back to work at the end of a furlough program.

(a) *Order for Employee Recall.* If every employee placed in furlough status is unable to be recalled back to work at the same time, or at all, the order of employee recall shall be as follows:

(1) *Indian Preference.* Indian preference shall be applied to the recall process in the following order, with the first category of employees receiving the greatest level of preference:

(A) Enrolled members of the Oneida Nation;

(B) Oneida citizens eligible for enrollment in the Oneida Nation;

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(C) Documented first generation Oneida descendants;

(D) Indians; and

(E) Non-Indians.

(2) *Other Priorities*. If, following application of Indian preference, employees subject to placement in furlough status within the same preference category still remain, priority shall be given to the recall of those remaining employees in the following order, beginning with the first category:

(A) *Seniority*. Employees who have served the Nation as a regular status employee without a break in employment for the longest amount of time shall be given recall priority first;

(B) *Veteran Status*. If employees remain after applying the priority for seniority, the remaining employees with veteran status shall be given recall priority over those with a more favorable performance evaluation; and

(C) *Performance Evaluation*. If employees remain after applying the priority for veterans, the remaining employees with a more favorable performance evaluation shall be given recall priority over those with a less favorable performance evaluation.

(i) The most current performance evaluation in existence on the date the Oneida Business Committee adopts the furlough resolution at issue shall be the evaluation that is used when assigning priority hereunder.

(b) *Volunteers*. Except as stated herein, employees who qualify for Indian preference and volunteered to be placed in furlough status shall retain said preference rights during the recall process, regardless of volunteering, and be recalled consistent therewith.

(1) A volunteer employee in the same Indian preference category as an employee, who did not volunteer to be placed in furlough status and has no other priority over the volunteer employee, shall be recalled before the non-volunteer employee.

205.9-2. *Notice of Recall and Responses*.

(a) Employees shall be provided with written notice of their recall from placement in furlough status, using a method that can accurately determine the date of the employee's receipt of said notice.

(1) Along with information relevant to the employee's recall back to work, the written notice of recall shall include the language of subsection (b), below, in its entirety.

(b) *Failure to Respond*. A failure to respond to the notice of recall, in the manner indicated, within ten (10) business days of the employee's receipt thereof shall be interpreted to mean that the employee does not intend to return on the date of his or her recall and treated as a resignation of employment by that employee per the governing laws and policies of the Nation.

205.9-3. *Separation in Lieu of Recall*. Employees placed in furlough status who are not recalled at the end of the furlough program shall be terminated from their employment with the Nation in accordance with the governing laws/policies of the Nation.

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205.10. Responsibilities of Direct Report Level and Supervisor Positions

205.10-1. *Generally.* Persons employed in Direct Report Level and supervisory positions with the Nation, along with any of their authorized designees, shall be responsible for familiarizing themselves with this law, including any policies or procedures promulgated thereunder.

(a) Within a reasonable time after this law goes into effect, and then every two (2) years thereafter, the Direct Report Level and supervisory positions, along with any of their authorized designees, who would be subject to one (1) or more of the responsibilities set forth within this law in the event of a furlough program implementation, shall be required to attend training on the application of this law, as well as the programs to be implemented hereunder.

(1) The Human Resources Department shall be responsible for the creation and administration of the training required herein.

(b) Failure to adhere to the requirements or processes set forth within this law may result in disciplinary action or other consequences consistent with the Nation's employment laws.

205.10-2. *Direct Report Level Positions.* Upon the passage of a resolution directing a furlough be implemented, all Direct Report Level positions and/or authorized designees shall immediately carry out the directive consistent with the resolution; this law, including the Standard Operating Procedure created by the Human Resources Department in accordance therewith; and the furlough implementation plan that was approved for their respective department or division.

205.10-3. *Supervisor Responsibilities.* Upon directive from the appropriate Direct Report Level positions and/or authorized designees, supervisors shall be responsible to provide notice to those employees within their respective department or division as required under section 205.6-3 of this law and provide copies of such notice to the Human Resources Department to maintain in accordance with governing law.

(a) Supervisors shall ensure that job descriptions within their respective departments or divisions are accurately maintained and up-to-date.

205.11. Appeal

205.11-1. An employee who has been placed in furlough status under this law may only appeal said placement if based on a claim that it occurred in violation of this law.

(a) A written appeal must be submitted to the Direct Report Level position and/or authorized designee within ten (10) business days of the employees receipt of the notice under section 205.6 of this law.

(b) The burden for showing that the employee was placed in furlough status in violation of this law is on the employee appealing the placement.

(c) The Direct Report Level position and/or authorized designee may make a decision based on the written appeal alone.

(1) The Direct Report Level position and/or authorized designee shall provide a written decision on the matter to the employee and the employee's supervisor within ten (10) business days of receiving the written appeal unless for good cause an extension is necessary.

(2) This decision is final and cannot be appealed.

205.11-2. An employee who has been placed in furlough status does not have any other right to appeal a furlough decision under any law, policy or the personnel grievance process of the Nation.

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- 522
- 523 *End.*
- 524
- 525 Emergency Adoption – BC-10-15-13-A
- 526 Emergency Adoption Extension – BC-04-09-14-D
- 527 Adoption – BC-11-10-15-B
- 528 Adoption – BC-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer

FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

DATE: December 13, 2021

RE: **Fiscal Impact of the Furlough Law**

I. Estimated Fiscal Impact Summary

Law: Furlough Law		
Implementing Agency	Human Resource Department; the Oneida Business Committee; Oneida Nation employees in Direct Report Level and supervisory positions.	
Estimated time to comply	Indeterminate	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	Indeterminate	Indeterminate

II. Background

A. Legislative History

This law was adopted by the Oneida Business Committee by resolution BC-11-10-15-B.

B. Summary of Content

The amendment includes makes the following changes to the Furlough Law:
 Adds Indian Preference as a consideration; revises the Furlough Plan to Furlough Implementation Plan and to include steps that must be taken before a Furlough program is implemented; adds Furlough Implementation identifying Supervisor Responsibilities; creates two types of Furlough plans Administrative or Emergency; adds a section Placing Employees in Furlough Status to provide direction and consistency in how employees are selected for placement in Furlough status; adds Furloughed Employees section to allow the OBC to continue providing certain

benefits to employees place in furlough on a case-by-case basis subject to funding constraints; adds Recall of Furloughed Employees to provide guidance on the process for recalling employees to work who were placed in Furloughed status; adds Responsibilities of Direct Report Level and Supervisor Positions identifying the training requirements upon adoption of the law and on-going for the Human Resource Department, Direct Level Positions, and Supervisor Positions.

III. Methodology and Assumptions

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

IV. Executive Summary of Findings

- The Law will govern how the Nation implements a Furlough program.
- The Law will establish consistent and equitable process for implementation of a Furlough program.
- The Law will incorporate Indian Preference into the Furlough program and require that it be applied in accordance with the Law.

V. Agency

The Law establishes training requirements for the Human Resource department and each impacted direct Report Level and supervisory positions. The Law requires the OBC to establish an ad hoc committee to assist in the implementation of furlough programs. The Law creates more due process which may require additional resources and implementation time. Due to the broad overarching requirements within the Law, the startup, personnel, office costs, documentation costs, and time necessary to implement the Law are indeterminate at this point in time.

VI. Financial Impact

The fiscal impact of the Law is indeterminate until the Human Resource Department, the Oneida Business Committee, each Direct Report Level, and supervisors have had an opportunity to assess the fiscal impact and implementation time for each respective area.

VII. Recommendation

Finance Department does not make a recommendation in regard to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.

Determine next steps regarding four (4) vacancies - Oneida Nation Arts Board

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Lisa Liggins, Secretary

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: February 2, 2022

RE: Appointment(s) – Oneida Nation Arts Board

Background

Four (4) vacancies were posted for the Oneida Nation Arts Board. The vacancies are for terms ending March 31, 2024 (2) and March 31, 2025 (2).

The vacancies have been posted since May 7, 2021. The latest application deadline was February 4, 2022, and two (2) applications were received for the following applicant(s):

- Cody Cottrell
- Harmony Hill

Select action(s) provided below:

- 1) accept the selected the applicant(s) and appoint to a term ending March 31, 2024 OR
- 2) reject the selected applicant(s) and oppose the vote**; OR
- 3) request the Secretary to re-notice the vacancy(ies)

Correct the term end date for Susan House on the Oneida Airport Hotel Corporation Board from January.

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Lisa Liggins, Secretary

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: February 1, 2022

RE: Oneida Nation Airport Hotel Corporation Board Term End Date Correction

Background

On January 26, 2022, the Oneida Business Committee appointed Susan House to the Oneida Airport Hotel Corporation Board with a term ending January 21, 2027.

The correct term should be January 31, 2027.

Excerpt from January 26, 2022, Oneida Business Committee draft minutes

A. Determine next steps regarding two (2) vacancies - Oneida Airport Hotel Corporation (00:06:41)
Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the selected applicant and appoint Kathy Hughes to the Oneida Airport Hotel Corporation board with a term ending January 31, 2027, seconded by Brandon Stevens.
Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Lisa Liggins

Secretary Lisa Liggins arrived at 8:38 a.m.

Motion by Jennifer Webster to accept the selected applicant and appoint Susan House to the Oneida Airport Hotel Corporation board with a term ending January 21, 2027, seconded by Marie Summers.
Motion carried:

Ayes: David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Opposed: Tina Danforth, Daniel Guzman King, Kirby Metoxen

Requested Action

Motion to correct the term end date for Susan House on the Oneida Nation Airport Hotel Corporation Board from January 21, 2027, to January 31, 2027.

Accept the January 19, 2022, regular Legislative Operating Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 02/9/22

2. Session:

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

Justification: *Choose or type justification.*

3. Requested Motion:

☒ Accept as information; OR

Accept the January 19, 2022 Legislative Operating Committee meeting minutes.

4. Areas potentially impacted or affected by this request:

☐ Finance

☐ Programs/Services

☐ Law Office

☐ MIS

☐ Gaming/Retail

☐ Boards, Committees, or Commissions

☒ Other: Legislative Operating
Committee

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

6. 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 type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

7. Budget Information:

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

8. Submission:

Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Santiago, LRO Senior Staff Attorney



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
 January 19, 2022
 9:00 a.m.

Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Kirby Metoxen, Marie Summers (Microsoft Teams)

Others Present: Clorissa N. Santiago, Kristen Hooker, Carmen Vanlanen, Kristal Hill, Brooke Doxtator, Lawrence Barton, Rhiannon Metoxen (Microsoft Teams), Justin Nishimoto (Microsoft Teams), Rae Skenandore (Microsoft Teams), Amy Spears (Microsoft Teams), Eric Boulanger (Microsoft Teams), Katsitsiyo Danforth (Microsoft Teams), Chad Fuss (Microsoft Teams), Tina Jorgensen (Microsoft Teams), Shannon Davis (Microsoft Teams), Joy Salzwedel (Microsoft Teams)

I. Call to Order and Approval of the Agenda

David P. Jordan called the January 19, 2022, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Summers to adopt the agenda as is; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be Approved

1. December 15, 2021 LOC Meeting Minutes

Motion by Marie Summers to approve the minutes of December 15, 2021 and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Oneida Nation Arts Board Bylaws Amendments

Motion by Jennifer Webster to accept the Oneida Nation Arts Board bylaws amendments and legislative analysis and forward the Oneida Nation Arts Board bylaws amendments to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

2. Oneida Nation Emergency Planning Committee Bylaws Amendments

Motion by Kirby Metoxen to remove the Oneida Nation Emergency Planning Committee bylaws amendments from the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

IV. New Submissions

V. Additions

A good mind. A good heart. A strong fire.

Legislative Operating Committee Meeting Minutes of January 19, 2022



VI. Administrative Items

VII. Executive Session

VIII. Adjourn

Motion by Marie Summers to adjourn at 9:17 a.m.; seconded by Daniel Guzman King.
Motion carried unanimously.

Accept the November 18, 2021, regular Quality of Life Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 2/9/22

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 type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Marie Summers, Councilwoman

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: BDOXTAT1



Quality of Life Committee

Regular Meeting
9:00 a.m. Thursday, November 18, 2021
Teleconference

Minutes

Present: Chair Marie Summers, Vice Chair Daniel Guzman King, Tehassi Hill,

Excused: Brandon Stevens out on travel

Others Present: Eric Boulanger, Leslie Duxtater, Brooke Duxtator, Renita Hernandez, Mari Kriescher, Rhiannon Metoxen, Vanessa Miller, Michelle Myers, Justin Nishimoto, Melissa Nuthals, Mark W. Powless, Nicole Rommel, Amy Spears, Ravinder Vir

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by Chair Marie Summers at 9:01 a.m.

II. APPROVAL OF THE AGENDA

Motion by Daniel Guzman King to adopt the agenda, seconded by Tehassi Hill. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill

III. APPROVAL OF MEETING MINUTES

A. Approve the October 21, 2021, regular Quality of Life meeting minutes

Sponsor: Brooke Duxtator

Motion by Tehassi Hill to approve the October 21, 2021, regular Quality of Life Committee meeting minutes, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. Review and update the Quality of Life Reporting schedule

Sponsor: Brooke Duxtator

Motion by Daniel Guzman King to update the Quality of Life reporting schedule with noted changes from discussion, seconded by Tehassi Hill. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill

VI. REPORTS**A. Monthly****1. Accept the Tribal Action Plan report**

Sponsor: Renita Hernandez

Motion by Tehassi Hill to accept the Tribal Action Plan report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill

B. Quarterly**1. Accept the Recreation Integration report**

Sponsor: Tina Jorgenson

Motion by Daniel Guzman King to accept the Recreation Integration report, seconded by Tehassi Hill. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill

VII. ADDITIONS**VIII. ADJOURN**

Motion by Daniel Guzman King to adjourn at 9:41 a.m., seconded by Tehassi Hill. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill

Minutes prepared by Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Minutes approved as presented/corrected on December 16, 2021.

Accept the December 16, 2021, regular Quality of Life Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/21

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 type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Marie Summers, Councilwoman

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Quality of Life Committee

Regular Meeting
9:00 a.m. Thursday, December 16, 2021
Teleconference

Agenda

Present: Chair Marie Summers, Vice Chair Daniel Guzman King, Tehassi Hill, Brandon Stevens

Excused: N/A

Others Present: Jacque Boyle, Robert Brown, Debra Danforth, Leslie Doxtater, Brooke Doxtator, Renita Hernandez, Kristal Hill, Tina Jorgenson, Vanessa Miller, Joann Ninham, Justin Nishimoto, Melissa Nuthals, Mark W. Powless, Nicole Rommel, Rae Skenandore, Amy Spears, Ravinder Vir

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by Chair Marie Summers at 9:01 a.m.

II. APPROVAL OF THE AGENDA

Motion by Daniel Guzman King to adopt the agenda, seconded by Tehassi Hill. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens,

III. APPROVAL OF MEETING MINUTES

A. Approve the November 18, 2021, regular Quality of Life Committee meeting minutes

Sponsor: Brooke Doxtator

Motion by Brandon Stevens to approve the November 18, 2021, regular Quality of Life Committee meeting minutes, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. Enter the e-poll results into the record regarding the approval of the Quality of Life FY-2021 4th quarter report

Sponsor: Marie Summers

Motion by Daniel Guzman King to enter the e-poll results into the record regarding the approval of the Quality of Life Committee 2021 4th quarter report, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

VI. REPORTS**A. Monthly****1. Accept the Tribal Action Plan report**

Sponsor: Renita Hernandez

Motion by Daniel Guzman King to accept the Tribal Action Plan report, seconded by Tehassi Hill. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

2. Accept the Food Security and Environmental Issues reports

Sponsor: Nicole Rommel

Motion by Tehassi Hill to accept the Food Strategic final report, remove as standing item and replace with the Food Security report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

3. Accept the Housing Needs report

Sponsor: Jacque Boyle/Mark W. Powless

Motion by Tehassi Hill to accept the Housing Needs report, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

B. Bi-monthly**1. Accept the Cultural Heritage report**

Sponsor: Tina Jorgenson

Motion by Tehassi Hill to accept the Cultural Heritage report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

VII. ADDITIONS**VIII. ADJOURN**

Motion by Daniel Guzman King to adjourn at 9:33 a.m., seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

Minutes prepared by Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Minutes approved as presented/corrected on January 20, 2021.

Consider the request for an ARPA FRF LR funded Oneida Nation Home Repair/Improvement Program

Business Committee Agenda Request

1. Meeting Date Requested: 2/9/22

2. Session:

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

Justification: *Choose or type justification.*

3. Requested Motion:

☐ Accept as information; OR Enter the requested motion related to this item.

Consider Oneida Nation Home Repair/Improvement Program Request
and assign to implement

4. Areas potentially impacted or affected by this request:

☒ Finance

☒ Programs/Services

☐ Law Office

☐ MIS

☐ Gaming/Retail

☐ Boards, Committees, or Commissions

☐ Other:

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List


6. 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 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: | | |

7. Budget Information:

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

8. Submission:

Authorized Sponsor: Billie Jo Cornelius-Adkins Enrollment #6819 

Primary Requestor: Billie Jo Cornelius-Adkins

Oneida Nation Home Repair/Improvement Program ARPA FRF Proposal**Intent:**

Home ownership builds a better community and provides a safe and healthy environment for future generations while adding lasting equity. Housing stability supports intergenerational living, allow elders to stay in their home longer, and pass wealth to next generation. Pride in home ownership can increase one's quality of life and create a better well being for the community. Every Tribal Member, no matter where they live, deserves to live in a healthy environment.

Broad Goal #2 HOUSING: We want Tribal members of all income levels and family sizes to be given the opportunity for affordable housing by filling vacant homes and meeting all housing needs by fully funding existing and future programs by the end of this term to give them a feeling of security.

ARPA Direct Membership Assistance: Description - Examples of activities within ARPA FRF Guidelines: Economic relief payments, home repairs, food and health assistance, home/rental assistance, vaccine Incentive \$500/member + children.

Housing - focus year one on apartments, decide on use for years 2 and 3; with an overall focus on middle income housing - All income levels and family sizes affordable housing; multifamily housing; meeting all housing needs by fully funding existing and future programs

Justification:

A community input survey was conducted over the summer which collected Tribal Member feedback on projects to be undertaken and funded using the ARPA funds. There are two points in the survey which support the need for Home Repair assistance.

- The question: "What suggested projects or uses do you have for the Affordable Housing designation?" The highest response was for assistance with Home Repairs
- The question: "What projects or uses of the funds would be most helpful to you and your family?" The highest response was for assistance with Home Repairs

What is the Program? The Oneida Nation Home Repair/Improvement Program would be a home repair program to assist Oneida Nation members with financial means to repair or improve their single-family home. This would not be an income-based program. Funds would be distributed based on a Contractor's estimated cost of services.

Repairs could include but not limited to:

- Roof Repair/Replacement
- Heating/Air repair/replacement
- Plumbing
- Electrical
- Demolition/Removal
- Garage/Outbuilding Construction
- Additions
- Siding
- ADA Accessibility

- Removal of health/safety hazards

Who is Eligible?

Available to all 18 years and older Oneida members who own and occupy their single-family home. No income nor location requirements.

How much is the funding? (potential options) Maximum \$20,000 per 3 years based on funding (first \$5,000 grant)

- \$0- \$5,000: grant
- \$5,001-\$20,000: 1% loan (loan payments would be put back into the program)
 - The program will distribute payments directly to the contractor. (down payment, and final payment upon completion)
 - Loans to be repaid over 20 years
 - Fixed loan rate
 - Allowed to utilize the grant and loan amount but cannot exceed \$20,000
 - \$20,000 amount is for property (not per resident)
 - Reimbursement for prior home repair/improvement completed by a contractor from March 11, 2021 (origination of the ARPA legislation)
 - Must have (%) of loan paid back prior to reapplying

Requirements:

- Must have an insured contractor who provides (1) year workmanship and material warranty.
- Grant/Loan must be paid back if home is sold within 3 years of the end of the repair/improvement.
- Contractor must be a licensed contractor. Contractor must provide a Certificate of Liability.
- Contractor must provide scope of work with estimated costs.
- Contractor must follow all building codes and obtain building permits.
- Must provide verification of home ownership.

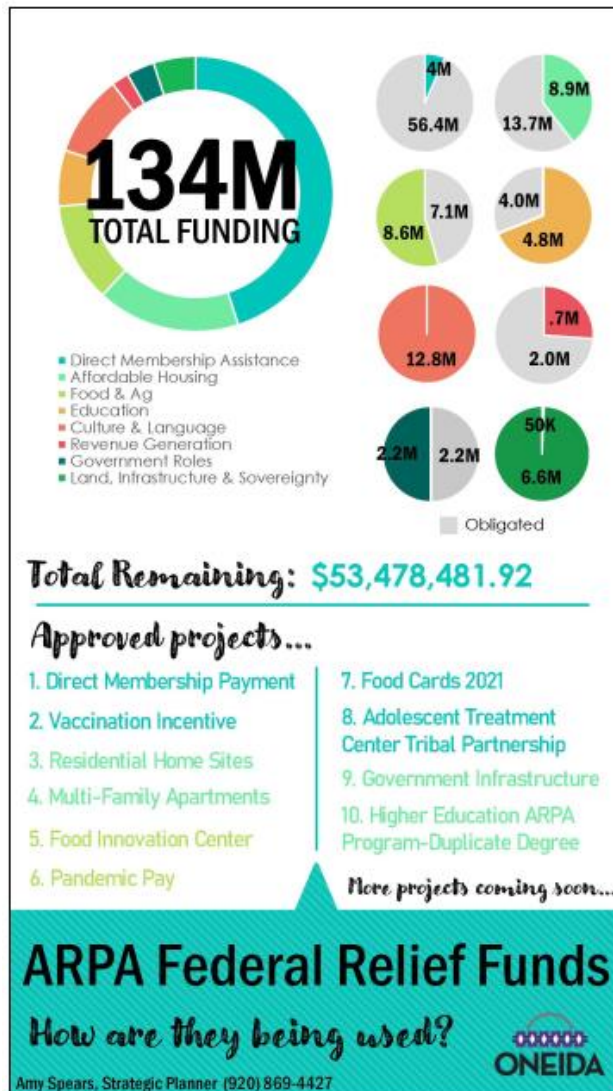
Program Costs (no data was referenced):

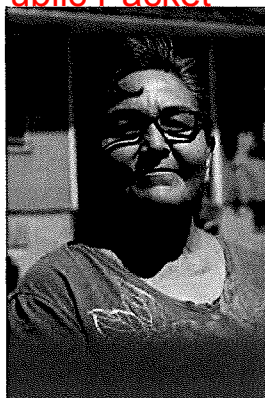
- Administration Costs
 - Department
 - Staff
- Program Cost
 - Depends on how many Oneida homeowners utilize what portion of the grant and loans.
 - To get a better estimate-determine how many Oneida homeowners there are.
 - \$5,000 x 500 homeowners = \$2,500,000
 - \$20,000 x 500 homeowners = \$10,000,000

Data Support:

- *Poor housing quality is associated with higher baseline symptoms of depression, anxiety, and aggression from elementary school through young adulthood.*

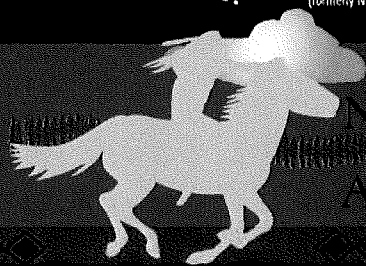
- A study that tracked children in rural areas beginning at age 9 found after 15 years that poor housing conditions, including physical quality, home hazards, crowding, and clutter, were associated with worse psychological health immediately and over time.
- About 22% of our country's 5.2 million Native Americans live on tribal lands (2010 U.S. Census). Living conditions on the reservations have been cited as "comparable to Third World," (May 5 2004, Gallup Independent). It is impossible to succinctly describe the many factors that have contributed to the challenges that Native America faces today, but the following facts about the most pressing issues of economics, health, and housing give a hint of what life is like for many first Americans.
- many American Indians are living in substandard housing. About 40% of on-reservation housing is considered inadequate (2003, U.S. Commission on Civil Rights). The waiting list for tribal housing is long; the wait is often three years or more, and overcrowding is inevitable. Most families will not turn away family members or anyone who needs a place to stay. It is not uncommon for 3 or more generations to live in a two-bedroom home with inadequate plumbing, kitchen facilities, cooling, and heating.



A Program of Partnership With Native Americans
(formerly National Relief Charities)

HOME

DONATE

Native
American
Aid***Strong, Self-Sufficient American Indian Communities***

Home

The NAA Way

v Programs

Living Conditions

How to Help

v Reservations

v History & Culture

v Biographies

v Resources

Site Map

IRS Form 990

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Living Conditions

About 22% of our country's 5.2 million Native Americans live on tribal lands (2010 U.S. Census). Living conditions on the reservations have been cited as "comparable to Third World," (May 5 2004, Gallup Independent). It is impossible to succinctly describe the many factors that have contributed to the challenges that Native America faces today, but the following facts about the most pressing issues of economics, health, and housing give a hint of what life is like for many first Americans.

Employment

Typically, Tribal and Federal governments are the largest employers on the reservations. Many households are overcrowded and earn only social security, disability or veteran's income. The scarcity of jobs and lack of economic opportunity mean that, depending on the reservation, four to eight out of ten adults on reservations are unemployed. Among American Indians who are employed, many are earning below poverty wages (2005 BIA American Indian Population & Labor Force Report).

The overall percentage of American Indians living below the federal poverty line is 28.2% (2008, American Indians Census Facts). The disparity for American Indians living below poverty on the reservations is even greater, reaching 38% to 63% in our service area (2006, National Center for Education Statistics, and other sources).

Often, heads of household are forced to leave the reservation to seek work, and grandparents take on the role of raising their grandchildren. In order to survive, extended families pool their meager resources as a way to meet basic needs. The relative poverty still experienced by these blended families is best understood as the gap between the overall need and the need that goes unmet.

Housing

There is a housing crisis in Indian country. Despite the Indian Housing Authority's (IHAs) recent efforts, the need for adequate housing on reservations remains acute. One legislator deplored the fact that "there are 90,000 homeless or underhoused Indian families, and that 30% of Indian housing is overcrowded and less than 50% of it is connected to a public sewer." (March 8, 2004, Indian Country Today).

In addition, many American Indians are living in substandard housing. About 40% of on-reservation housing is considered inadequate (2003, U.S. Commission on Civil Rights). The waiting list for tribal housing is long; the wait is often three years or more, and overcrowding is inevitable. Most families will not turn away family members or anyone who needs a place to stay. It is not uncommon for 3 or more generations to live in a two-bedroom home with inadequate plumbing, kitchen facilities, cooling, and heating.

Further increasing the concerns with reservation housing is the noticeable absence of utilities. While most Americans take running water, telephones, and electricity for granted, many reservation families live without these amenities. On a seriously stretched budget, utilities are viewed as luxuries compared to food and transportation. Overcrowding, substandard dwellings, and lack of utilities all



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Member

increase the potential for health risk, especially in rural and remote areas where there is a lack of accessible healthcare.

Health

"The average life expectancy for Native Americans has improved yet still trails that of other Americans by almost 5 years" (2010, HHS Indian Health Disparities Fact Sheet). About 55% of American Indians rely on the Indian Health Service for medical care (2006, Indian Health Facts). Yet, the Indian Health Care Improvement Act only meets about 60% of their health needs (2003, U.S. Commission on Civil Rights).

Due to underfunding, Indian Health Service facilities are crisis-driven and leave a wide gap in adequate and preventative health care for many Native Americans on the reservations. Pharmacies and doctor's offices outside of hospitals are completely non-existent in some communities.

The pressures to shift from a traditional way of life toward a Western lifestyle has dramatically impacted the health and welfare of the Native peoples and created a terrible epidemic of chronic diseases such as diabetes, heart disease, tuberculosis, and cancer. The statistics are alarming.

- Heart disease is the leading cause of death for American Indians (2003, Center for Disease Control).
- Due to the link between heart disease, diabetes, poverty, and quality of nutrition and health care, 36% of Natives with heart disease will die before age 65 compared to 15% of Caucasians (2001, HHS Office of Minority Health).
- American Indians are 177% more likely to die from diabetes (2011, Indian Health Disparities).
- 500% are more likely to die from tuberculosis (2011, Indian Health Disparities).
- 82% are more likely to die from suicide (2011, Indian Health Disparities).
- Cancer rates and disparities related to cancer treatment are higher than for other Americans (2005, Native People for Cancer Control).
- Infant death rates are 60% higher than for Caucasians (2001, HHS Office of Minority Health).

The facts presented are important realities about the living conditions faced by many Native Americans in this country — facts that every non-Native American needs to know.

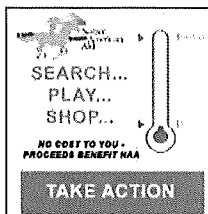
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[return to top](#)

A Program of [Partnership With Native Americans](#)
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Contact Information:
2401 Eglin St.
Rapid City, SD 57703
Toll-free: (877) 825-2983
Email: info@naaprograms.org
Web site: www.naaprograms.org

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[INCOME & ASSETS](#), [EDUCATION](#), [STABILITY & OPPORTUNITY](#), [HEALTH](#), [EQUITABLE PLACES](#)

How Housing Affects Children's Outcomes

January 02, 2019

by Veronica Gaitán

Housing quality, instability, and unaffordability threaten the well-being of [millions of children](#) across the nation. Research shows that housing is the first rung on the ladder to economic opportunity and that a person's access to opportunity is intrinsically linked with that of the community where they live. As [home prices increase, the gap between rents and incomes continues to widen, and nearly half of today's renters are cost burdened](#), child welfare professionals, educators, and pediatricians can strengthen their work by understanding the [central importance of housing](#) as a determinant of wide-ranging outcomes for the country's youngest generation.

The following research shows how housing creates better educational opportunities for children, how healthy homes and communities make for healthier children, and how housing builds stronger economic foundations for their futures.

How housing affects children's health outcomes

- Poor housing quality [is associated with](#) higher baseline symptoms of depression, anxiety, and aggression from elementary school through young adulthood.
- Children who live in US Department of Housing and Urban Development-assisted households have [half the prevalence](#) of elevated blood lead levels than children in nonassisted low-income families, after adjustment for demographic, socioeconomic, and family characteristics. These data suggest that low-income families could see improved health benefits for their children either increased access to subsidized housing or increased lead remediation and regulations on existing unassisted housing.
- A [study](#) that tracked children in rural areas beginning at age 9 found after 15 years that poor housing conditions, including physical quality, home hazards, crowding, and clutter, [were associated with](#) worse psychological health immediately and over time.
- A [study](#) of single-parent families living in violent Philadelphia neighborhoods found that children described their neighborhood environment as an important source of daily stress. This was attributed to exposure to conflict in their neighborhoods and schools and witnessing crime and police activity near their homes.
- Being behind on rent, a history of multiple moves, and a history of homelessness [are associated with](#) adverse health outcomes for low-income renter caregivers and their children.

How housing affects children's educational outcomes

- A [study](#) of 75 homeless families receiving child welfare services found that child and family safety were perceived as less important than availability and affordability when caregivers were making housing decisions. This points to a need for housing-informed child welfare services to ensure homeless families' long-term safety.
- While young children who experience prenatal or postnatal homelessness alone [had increased negative health outcomes](#), those who experience both pre- and postnatal homelessness had even more serious health consequences.
- Renter households with children are [more likely](#) to have asthma triggers in their homes than owners and are more likely to have at least one child with asthma.

How housing affects children's educational outcomes

- Decreased lead exposure [is associated with](#) improved third grade test scores.
- Intradistrict school mobility [is associated with](#) lower reading achievement scores in the short-term and over time.
- Near a high-scoring public school, [housing costs 2.4 times as much](#), roughly \$11,000 more a year, as housing near a low-scoring public school.
- Living in poor-quality housing and disadvantaged neighborhoods [is associated with](#) lower kindergarten readiness scores. Further, children living in homes that were in foreclosure, in tax delinquency, or owned by a speculator were more likely to receive worse kindergarten readiness scores than children in stable housing.
- Community revitalization efforts in public housing [may improve](#) math and reading scores of elementary school students.
- [Participation in after-school programs in low-income neighborhoods](#) can reduce students' likelihood of suspension and expulsion, improve science and math proficiency, improve school attendance, and improve reading assessment scores.
- In Florida, absenteeism is [more common](#) among homeless schoolchildren. They also receive lower passing rates for English language arts, math, and science exams than their housed counterparts.
- Children living in a crowded household before age 19 are [less likely](#) to graduate from high school and tend to have lower educational attainment at age 25.

Children's housing stability can shape their future economic well-being. Evidence shows that psychological problems experienced during childhood [reduce adult earnings](#) and that young low-income children benefit from being raised in a neighborhood where workers exhibit high occupational prestige. In addition, younger siblings who spent more years living in subsidized housing had [higher annual earnings](#) by their midtwenties compared with their older siblings who spent fewer years with housing assistance.

Housing has a profound impact on all children's lives. Professionals who work with families and children should explore ways to incorporate housing-informed policies and partnerships into their services.

Photo by Natalin*ka/Shutterstock

[Children](#)

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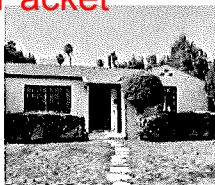
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[Why Are Black and Latinx Homeowners Less Likely to Refinance Their Mortgages?](#)

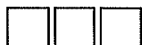
December 15, 2021 / Research Summary



Housing Matters is an online resource for the most rigorous research and practical information on how a quality, stable, affordable home in a vibrant community contributes to individual and community success.

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Consider request for an ARPA FRF LR funded Residential Infrastructure Project

Business Committee Agenda Request

1. Meeting Date Requested: 2/9/22

2. Session:

☒

Open

☐

Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

☐

Accept as information; OR Enter the requested motion related to this item.

Accept proposal and give directive to implement

4. Areas potentially impacted or affected by this request:

☒

Finance

☒

Programs/Services

☐

Law Office

☐

MIS

☐

Gaming/Retail

☐

Boards, Committees, or Commissions

☐

Other:

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

6. 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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: | | |

7. Budget Information:

- | | |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted | <input type="checkbox"/> Not Applicable |
| <input checked="" type="checkbox"/> Other: ARPA - FRF | |

8. Submission:

Authorized Sponsor: Billie Jo Cornelius-Adkins, Tribal Member

Primary Requestor: _____

To:
Oneida Business Committee
PO Box 365
Oneida, WI 54155

From:
Billie Jo Cornelius-Adkins
874 Riverdale Dr
Oneida, WI 54155

Re: Residential Infrastructure Project using ARPA-Federal Relief Funds

Background:

There are many Tribal Members living on the reservation who live in rural areas and have a lack of affordable utility services available to them, this includes Natural Gas, Internet and Clean Water. In many cases the services are already available on their roadway, but the cost is too high for them to have the service run to their home. This is the case for my house. We live quite a way back from the road, in the woods, close to Trout Creek. Companies call this, "needing the last mile." The home owner is responsible for that cost on top of everything else. Often the charge Because of this, they must rely on expensive propane for heating, expensive satellite internet service or inefficient dial-up service, and due to non-palatable/drinkable water from a well they must rely on buying bottled water.

The ARPA Federal Relief Funds for Tribes are meant to help Tribes meet pandemic response needs and rebuild a stronger and more equitable economy as the country recovers. Recipients can use the funds to:

- **Replace lost public sector revenue**, using this funding to provide government services up to the amount of revenue loss experienced due to the pandemic
- **Respond to the far-reaching public health and negative economic impacts of the pandemic**, by supporting the health of communities, and helping households, small businesses, impacted industries, nonprofits, and the public sector recover from economic impacts
- **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical sectors

- ☐☐ **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet

A community input survey was conducted over the summer which collected Tribal Member feedback on projects to be undertaken and funded using the ARPA funds. There are four points in the survey which support the need for Utility and Infrastructure assistance.

- ☐☐ The question: “What suggested projects or uses do you have for the Direct Membership Assistance designation?” The fourth highest response was for assistance with Utilities
- ☐☐ The question: “What suggested projects or uses do you have for the Affordable Housing designation?” The highest response was for assistance with Home Repairs
- ☐☐ The question: “What suggested projects or uses do you have for the Land, Infrastructure & Sovereignty designation?” The second highest response was for Infrastructure
- ☐☐ The question: “What projects or uses of the funds would be most helpful to you and your family?” The highest response was for assistance with Home Repairs and the 12th highest response was for Utility Assistance.

Internet:

Spectrum has run lines through much of the reservation, but that does not mean it is run to each household. If you can not afford to pay the high cost of having the line run to your house, that only leaves you with a few options for internet service.

The first, is by phone line which can barely handle the load to run an internet site much less watch a movie.

The second is by DSL, it can be expensive depending on how many data overage charges there are (sometimes \$100 +), is faster than dial up, but is still so slow you can only watch a movie on one device at a time, the upload speeds were so slow that we had to get a hot spot from my sons school in order for him to get his work turned in. DSL, I have found is becoming a thing of the past. I wasn't aware that if I switched from DSL with AT&T, that I wouldn't be able to switch back. AT&T eliminated DSL and AT&T has a monopoly on my area, so my only option was satellite internet.

The third is satellite internet which is very costly (\$200-over \$400 per month) requires a contract, is slow at 27Mbps and is very unreliable in any sort of inclement weather. They have cheaper plans (\$69.00-\$99.00) but the data didn't even last us half a month.

Whether satellite internet service companies can say they provide high speed internet at 27Mbps, what I have experienced, is that it is slower than DSL at times and is so unreliable that we have issues almost every day. We can still only use one device at a time to stream a movie, unless you don't mind constant buffering and when they throttle your service down because you have run out of data time, you can't even get on the internet to find a phone number.

Spectrum cable internet on the other hand, has 100-200 Mbps and is 94.4% reliable.

Natural Gas:

For those who do not have a natural gas line run to their house, the only other gas option is LP. LP is extremely costly. For my house we have to pay almost \$1000 to fill up the propane tank and it lasts about 2 months in the winter. With our budget billing, we have to pay \$248 per month. For my sister's house which is comparable in size, she only pays \$47 a month all year round under budget billing with WPS for natural gas. With propane there is maintenance required to check the amount of gas in the tank, which can be hard during the winter, especially for elders or the disabled. And if you do run out, you can be without heat for days until the company can come out to refill, and there is a \$150 fee for special trip in emergency, plus a \$75 fee for a leak test.

Clean Water:

For those who are not located on a roadway with Oneida water utilities and who live in a rural location, water can only be accessed via a well. Well water without a softener can be non-potable and non-palatable. Water softeners can cost anywhere from \$2000-\$5000+ depending on the quality of your well water. In many parts of the reservation, like my sister's and my niece's house, the water can not be drank safely without it being purified in some way due to high mineral content. The cost of the softeners and/or purification systems are out of reach for many and many are using outdated and/or not as functional equipment for their

water because of the cost. There are rental options, but those can be high priced, up to \$100 per month or more. When you do not have a softener/purifier it takes a toll on your houses pipes as well causing buildup and stains on all your fixtures and appliances. It can cause your water heater to break and even can cause issues with dishwashers, washers, new steam dryers, faucets and shower heads. When you have rust in your water, it can cause stains on your toilets, sinks and bathtubs. When you have egg smelling (sulfur) water or water with a high mineral content, it can make drinking water difficult. Many families on the reservation are forced to purchase bottled water. Plastic, although may be recycled, is very bad for the environment.

Contracts:

For each of these services, sometimes companies make you sign contracts. Sometimes you need to buy your way out of them if you switch to a different service. If my proposal is granted, I would like it to include buying out the Tribal Members contract if it pertains. It would not be fair to leave out any Tribal Member simply because they were in a contract that, if paid, would allow them to receive a service(s) that would save them from a lifetime of unnecessary charges. I estimate that it would be less than \$500 per service. For example, I had to pay \$29.00 per month of service still left on a 2 year contract (\$228.00) to switch from Viasat satellite internet service to Hughs Net satellite internet service.

Proposal:

I propose that we use \$3,000,000 of the ARPA-FRF funds out of the Land, Infrastructure and Sovereignty category to pay for a project that will:

1. Pay the cost of connecting Tribal Members who live on the Reservation to high-speed broadband internet when service is located on their roadway but is not run to their house, known as "the last mile".
2. Pay the cost of connecting Tribal Members who live on the Reservation to Natural Gas when the service is located on their roadway but is not run to their house, known as "the last mile"
3. Pay the cost for Tribal Members who live on the Reservation to purchase and have installed water softeners and/or water purification systems.

4. Pay the cost to buy Tribal Members out of their expensive contracts for Internet service, Propane gas service and water filtration rental contracts so that the above services can implemented and completed.

Review the Special Election recommendation and determine next steps

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Pamela Nohr, Chair/Oneida Election Board

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS



MEMORANDUM

To: Business Committee
From: Pamela Nohr, Election Board Chair
Date: January 11, 2022
Re: Recommended Date for 2022 Special Election

The Oneida Election Law 102.9-1 states: *Special Elections shall be set in accordance with 102.12-6; whereas, 102.12-6 states: Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.*

The Election Board is aware that the global pandemic COVID-19 and variants are still affecting the community on the Oneida Reservation. On January 10, 2022 the OEB met and had discussed possible dates as recommended by Secretary Liggins. At this time the Board recommends the date of July 16th for the 2022 Special Election. In addition, the OEB is also recommending the caucus be cancelled to avoid the risk of individuals being exposed to Covid based upon the recent CDC guidelines and the Safer at Home restrictions.

On behalf of the Election Board, the following schedule is hereby recommended for the 2022 Special Election:

DAY	DATE	TIME	PURPOSE
Friday	May 6, 2022	4:30 p.m.	Application Deadline
Saturday	July 16, 2022	7 am – 7 pm	Special Election
Wednesday	August 24, 2022	8:30 am	BC Mtg to Ratify Results

Please let us know if any questions or concerns.

Yaw^ko

Accept the Emergency Management Department FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 2/9/22

2. Session:

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

Justification: *Choose or type justification.*

3. Requested Motion:

☐ Accept as information; OR Enter the requested motion related to this item.

4. Areas potentially impacted or affected by this request:

☐ Finance

☐ Programs/Services

☐ Law Office

☐ MIS

☐ Gaming/Retail

☐ Boards, Committees, or Commissions

☐ Other:

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- | | | |
|---|--|---|
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| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: | | |

7. Budget Information:

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

8. Submission:

Authorized Sponsor: _____

Primary Requestor: _____

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

Objectives and Metrics

Mission Statement

Through planning and mitigation activities Emergency Management works to ensure the Oneida Nation is in a constant state of readiness to respond to, and recover from an emergency or disaster, that threatens the life or safety of community members, the environment, or the assets of the Oneida Nation.

Purpose

Emergency Management serves to aid, counsel, and assist the agencies and entities of the Oneida Nation that respond to emergencies or disasters that affect the Oneida Community and its members, through coordination of local and regional, police, fire, Emergency Management Services or rescue response when necessary.

Planned Activities			
Goal Number	Goal	Activity	Outputs
1	Develop emergency management capacity	Grant applications, budget and staffing request, training and succession plan, technology implementation	Emergency Management (EM) program, staffing model and succession plan is developed and adopted, technology resources are in place
5	Expand the Capabilities of RAVE alert system	Needs analysis, technology acquisition and deployment, outreach and education.	Emergency notification system reaches intended audience
3	Develop and implement Emergency Action Plans (EAP)	Vulnerability and needs analysis, meetings, reports and updates. Identify facility or event leads, EAP or EMP assessments, outreach and education, EAP and EMP documents	Funding agreements, staff commitments from Oneida divisions and departments. Number of buildings and events that have current and updated EAP
4	Oneida Nation Emergency Planning Committee (ONEPC) Implementation.	Identify qualified Team members from across the Oneida Nation organization to have lead roles in their area of expertise.	Letters of commitment, regular scheduled meeting with agendas and minutes.
2	Seasonal Review of Shelters and warming & cooling centers.	Vulnerability and needs analysis, meetings, reports and updates.	Locations identified and Departments trained.

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

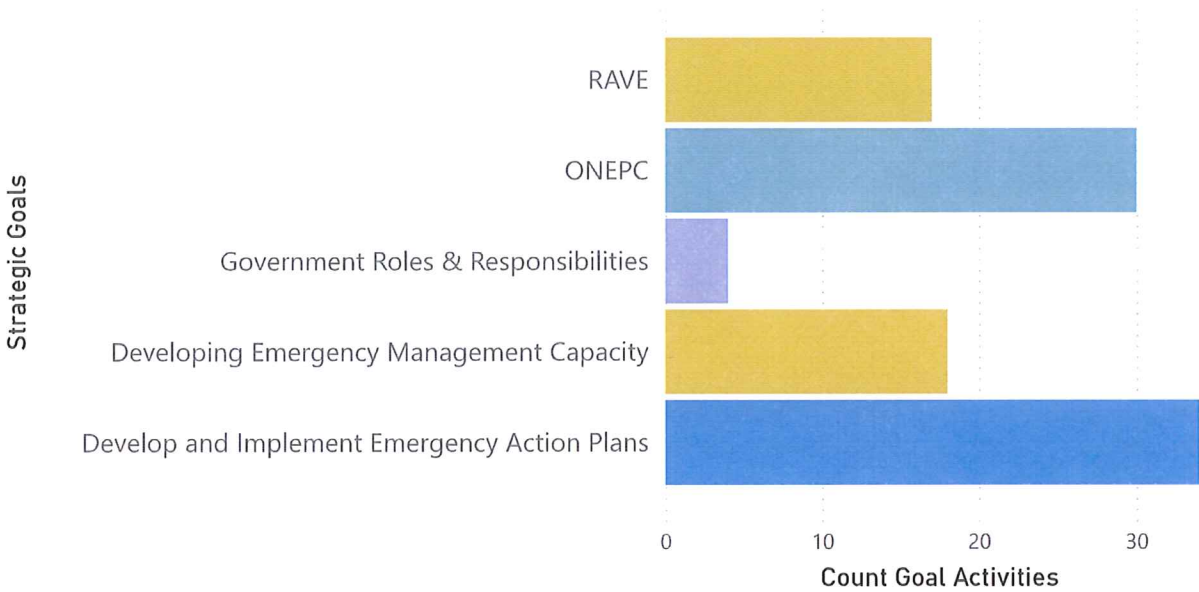
Objectives and Metrics

Emergency Management Goals

Goal

- Develop and implement Emergency Action Plans (EAP)
- Develop emergency management capacity
- Expand the Capabilities of RAVE alert system
- Oneida Nation Emergency Planning Committee (ONEPC) Implementation.
- Seasonal Review of Shelters and warming & cooling centers.

Emergency Management Categories



Oneida Nation Employees Contributing to Emergency Management

Employee	Job Title	Count
Kaylynn Gresham	DIR-EMERGENCY MANAGEMENT	176
Michael Troge	MGR-PROJECT	1
Victoria Flowers	COORD-ENVIRONMENTAL COMPLIANCE	4
Total		181

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

Goal #1 Develop Emergency Management Capacity

Goal ▲	Strategic Plan Linkage
	Types of Activities
Develop emergency management capacity	Grant applications, budget and staffing request, training and succession plan, technology implementation

Activity Type ▲	Count	Reported Hours
BC Meeting	8	11.00
Emergency Management Program Administration, Development and Evaluation	2	4.00
Emergency Management Team Meetings	13	22.50
Grant Workplan and Budget Development	19	30.00
Records Management	8	12.00
Reporting	2	3.00
Staff Meeting	7	11.00
Training and Outreach	3	5.00
Training or Webinar	19	68.00
Total	81	166.50

Highlights ▲	Comments
DOI - Listening Session	Department of the Interior - Climate Adaption Listening Session
EC Regional Meeting	East Central Regional Meeting - Teams
Energy Innovation Grant Webinar	Office of Energy Innovation Webinar on grant opportunity - Feasability Study application
FEMA- Hazard Mitigation Webinar	Attend Hazard Mitigation Webinar from FEMA
FEMA Region 5 Tribal Summit	Watching presentations from FEMA Region 5 Staff for Tribal Hazarad Mitigation
NTEMC Meeting	NTEMC meeting for Radio Broad Band
Table Top Exercise - WEBEOC / WEMA Meeting	WEBEOC Tabletop Exercise - WEMA Meeting and IMT Presentation
Tap Switch Info	Award for Tap Switch Notificaton and update forms
Travel to WEMA Conference	Travel to Stevens Point for WEMA Conference

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

Goal #2 Seasonal Review of Shelters and Warming and Cooling Centers

Strategic Plan Linkage

Goal	Activity
Seasonal Review of Shelters and warming & cooling centers.	Vulnerability and needs analysis, meetings, reports and updates.

Activities Related to the Seasonal Review of Shelters and warming & cooling centers

Activity Type	Count	Reported Hours
Emergency Plan Modification or Update	1	1.00
Interdepartmental Meeting	2	2.00
Staff Meeting	1	1.00
Total	4	4.00

Highlights	Comments
Safe Parking and Homeless Shelter	Weekly check in for Safe Parking and Homeless Shelter
Safe Shelter / Parking	Weekly meeting for Safe Parking - Teams Meeting
Safer Parking / Shelter	Weekly update about the shelter and safe parking
Updating information for Shelter/cooling-Warming	Updating infromation about Cooling and Warming Centers in Shelter section of ERP

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

Goal #3 Develop and Implement Emergency Action Plans

Goal ▲	Strategic Plan Linkage		
	Types of Activities		
Develop and implement Emergency Action Plans (EAP)	Vulnerability and needs analysis, meetings, reports and updates. Identify facility or event leads, EAP or EMP assessments, outreach and education, EAP and EMP documents		
Activity Type ▲	Count	Reported Hours	
Disaster Response	1	1.00	
Emergency Plan Modification or Update	26	52.00	
Post-disaster Activities	8	18.50	
Pre-disaster Mitigation Planning	12	17.00	
Total	47	88.50	

Highlights	Comments
Develop ESF Checklists	Developing ESF Checklists
ERP and PDMP	Update list of who has received ERP and PDMP
ESF 12 - Review	Review ESF 12 - Energy for changes and updates
ESF 12 - update	Working with DW to update Oneida's ESF 12 for use with the Tap Switch Grant
Judicial Threat Assessment Discusson	Judicial Facility upgrade - Teams meeting
Present at Public Private Partners Conference	Present at Public Private Partners Conference - Active Threat 5-1-2021
Tap Switch Grant Follow up	Information for NEPA Review for generator install
Tracking Plan Delivery	Tracking delivery of plans to all buildings and departments
Weather Monitoring for Wind Event	Monitor and communications for Wind event

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

Goal #4 Oneida Nation Emergency Planning Committee Implementation

Goal	Strategic Plan Linkage	
	Types of Activities	
Oneida Nation Emergency Planning Committee (ONEPC) Implementation.	Identify qualified Team members from across the Oneida Nation organization to have lead roles in their area of expertise.	

Activity Type	Count	Reported Hours
Information Management	23	38.50
Interdepartmental Meeting	7	8.00
Total	30	46.50

Highlights	Comments
EOC Activation Roster update	Update EOC Activation Roster
Monitoring Storm info	Monitoring Information for storm Amelia
Monitoring Weather - Snow/Plowing	Monitoring the weather for potential delay/closure. NWS
Sustain Oneida - TEAMS	Participate on TEAMS meeting for Sustain Oneida
WDF Grant info and follow up	Following up on signature pages and info for grants for the WDF Grant awarded for Advanced Assistance
Weather Tracking	Coordinating with DPW and communications for winter storm updates and status
WEMA Follow-up	Follow up on close of conference, registration and dues were not paid - PO for payment

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

Goal #5 Expand the Capabilities of the Rave Alert System

Strategic Plan Linkage	
Goal	Activity
Expand the Capabilities of RAVE alert system	Needs analysis, technology acquisition and deployment, outreach and education.

Activity Type	Count of Activity Type	Reported Hours
RAVE	17	32.00
Total	17	32.00

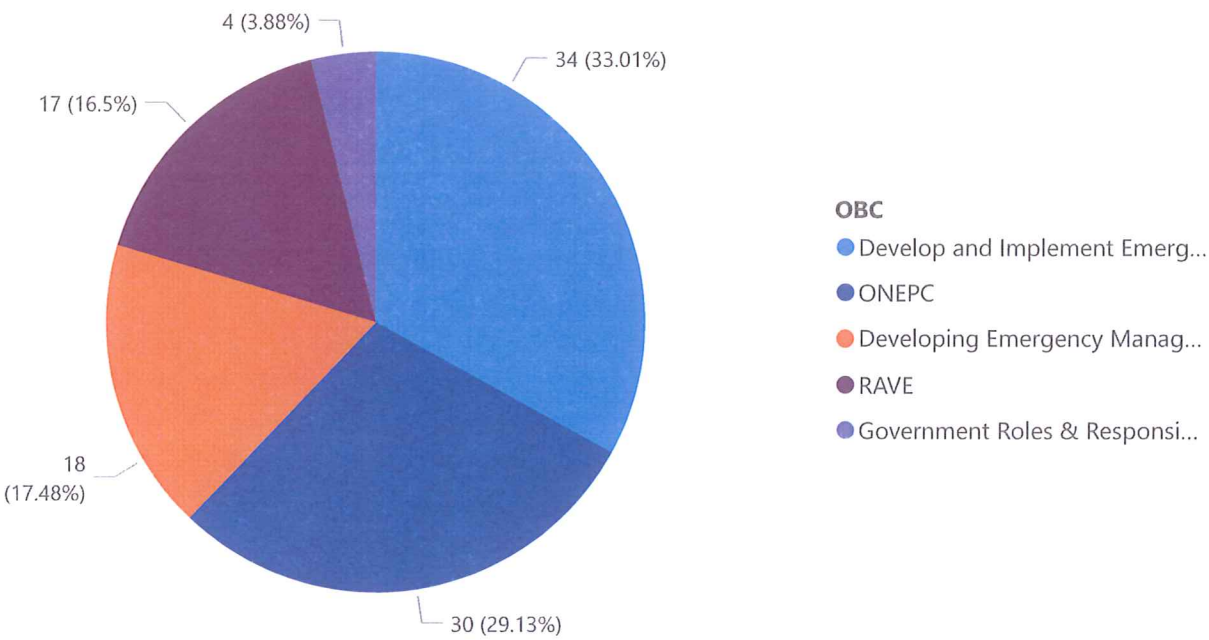
Project Name	Comments
RAVE - storm damage templates	Working in training mode to develop storm damage alerts
Coordinate RAVE and Collaborate training	Work with Tony from RAVE on the Collaborate platform and set up training for Alerting
RAVE - Smart 911 lists	Work inside the RAVE platform to develop the parameters for the Elders List requested by Aging and Disability
Collaborate and Alerting Platform	Working in RAVE Platform and Collaborate event creation
Winter Weather Awareness Group	Watching Webinar for RAVE winter weather
Intergovernmental Affairs/BC - RAVE	Use RAVE for notification for Membership and Nation Alerts not specific to employees
RAVE - technical call	Technical support call and working in collaborate and RAVE Alert for community notification set-up
RAVE Roll Review	Reviewing the Collaborator Roles for Admins and individuals that can send out messages
RAVE and Collaborate Trainings	Reviewing information from RAVE and Collaborate for current Alerting protocols
RAVE - New Platform	RAVE Alert has new platform - reviewing the new platform and exploring using the additional options
Working with Rep on Oneida's site	RAVE Alert and Collaborate
RAVE - Collaborate	Collaborate Webinar

FY-2022 Quarterly Report (Oct - Dec 2021)

Kaylynn Gresham – Director Emergency Management Department

Other Uncategorized Emergency Management Activities and External Collaborations

Other Uncategorized Emergency Management Activities



Contributing Support			
Employee	Department	Job Title	Reported Hours
Victoria Flowers	EHSLA QUALITY	COORD-ENVIRONMENTAL COMPLIANCE	5.00
Total			5.00

Accept the Anna John Resident Centered Care Community Board FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
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| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Kristin Jorgenson Dann, Chair/Anna John Resident
Centered Care Community Board

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: SDAVIS

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: January 31, 2022

Submitted by: Shannon Davis, Recording Clerk

OBC Liaison: Jennifer Webster

OBC Liaison: Marie Summers and Daniel Guzman-King

ANNA JOHN RESIDENT CENTERED CARE COMMUNITY BOARD – FY22 Q1 REPORT

Purpose:

The purpose of the Anna John Resident Centered Care Community (AJRCCC) Board is to serve in an advisory capacity ensuring operations of AJRCCC are within the guidelines and policies of the Oneida Nation and within all regulations, rules, policies governing the operation of a nursing home.

The Board ensures the AJRCCC maintains a safe and sanitary environment while providing quality care and services to residents of the facility and as ordered by each resident’s attending physician.

BCC Members

Kristin Jorgenson-Dann
Chair
07/31/2023

Jeanette Ninham
Board Member
07/31/2024

Beverly Anderson
Vice-Chair
07/31/2023

Vacant
Enter Board Member Title, if any
07/31/2022

Valeri Groleau
Board Member
07/31/2022

Vacant
Enter Board Member Title, if any
07/31/2025

Patricia Moore
Board Member
07/31/2024

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the Boards, Committees and Commissions law, annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: 0

Meetings

Held every 2nd Wednesday of the month at 5:00 p.m. via Microsoft Teams during the Public Health Emergency.

Emergency Meetings: Zero (0)

Contact Info

CONTACT: Kristin Jorgenson-Dann
TITLE: AJRCCC Board Chair
E-MAIL: ajc-kjor@oneidanation.org

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Community and organizational buy-in will be formed and economic sustainability will be promoted.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Participation - Fostering a system in which the public feels that they are part of decision-making processes, including freedom of expression and assiduous concern for the best interests of the Tribe and community in general

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Board continues to meet monthly via Teams and attend the Resident Council meetings when able. By attending the latter, the Board can hear concerns directly from the residents and can attempt to solve issues or bring up concerns to other areas such as the OBC.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

The Board hears the concerns of the residents and then finds ways to address them. Also make sure that the residents are aware that the Board is there for them. Over many holiday,

cards and other items were sent to the residents on behalf of the board (Christmas cards, pins and thank you cards to the Veterans).

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The Board would like to be able to meet in person, take a tour of the facility, and be more hands on with the residents. This would all be dependent on the status of the COVID pandemic.

Outcome/Goal # 2

Continue and update the education of the AJRCCC Board members.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Responsiveness - Availability to the public and timeous reaction to the needs and opinions of the public

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

It is important for the Board members to be knowledgeable on the latest health topics, treatments, initiatives, facility procedures, etc. Attending trainings, requesting monthly updates from AJRCCC administration can assist with this education.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Receive monthly updates from the administration about what is happening at the nursing home and frequently submit additional questions, suggestions, and request clarification of those reports.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Dependent on the COVID pandemic, the board would like to continue attending trainings to receive the education, whether it be in person or virtual.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

FY-2022 BUDGET:

Line item in AJRCCC Budget

FY-2022 EXPENDITURES AS OF END OF REPORTING
PERIOD:

\$600

Enter budget utilization information, if needed.

Requests

Enter request(s), if needed.

Other

Still looking to fill last two open positions for board.

Accept the Oneida Community Library Board FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Brooke Doxtator, BCC Supervisor

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, Boards, Committees and Commissions Supervisor 

DATE: January 31, 2022

RE: Oneida Community Library Board 1st Quarter Report

The Oneida Community Library Board (OCLB) has been in temporary closure status since April 8, 2020, when the Oneida Business Committee adopted BC Resolution # 04-08-20-B Placing Listed Boards, Committees, and Commissions in Temporary Closure Status for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021. BC Resolution # 04-14-21-B Authorization of Boards, Committees, and Commissions to Meet and Superseding the Temporary Closure allowed the Board to start meeting effective June 14, 2021, however, OCLB has not met due to a lack of quorum.

OCLB consists of five (5) members. In September 2021 a new Library Board member was sworn into office. There are four (4) vacancies total; two (2) vacancies due to terms that expired in 2020 and 2021, one (1) vacancy due to a resignation and one (1) vacancy that hasn't been filled since their bylaws were adopted in 2019 which requires a School Administrator be part of the Board.

There have been no meetings for the Library Board as there has not been a quorum for the first quarter. The Recording Clerk for this board is working with the Law Office and the Board Attorney to figure out how to best address the situation.

Accept the Oneida Environmental Resources Board FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Brooke Doxtator, BCC Supervisor

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, Boards, Committees and Commissions Supervisor 

DATE: January 31, 2022

RE: Oneida Environmental Resources Board 1st Quarter Report

The Oneida Environmental Resources Board (ERB) was in temporary closure status since April 8, 2020, when the Oneida Business Committee adopted BC Resolution # 04-08-20-B Placing Listed Boards, Committees, and Commissions in Temporary Closure Status for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021. BC Resolution # 04-14-21-B Authorization of Boards, Committees, and Commissions to Meet and Superseding the Temporary Closure allowed the Board to start meeting effective June 14, 2021, however, ERB has not met due to a lack of quorum.

ERB consists of nine (9) members. There are currently six (6) vacancies due to terms that expired in 2020 and 2021. Of the three (3) remaining members; one (1) member has moved out of the State of Wisconsin but would still like to participate on the Board and is willing to do so in a virtual setting or via teams, however the qualifications state members must be a resident of Brown or Outagamie County, so they will have to resign. Two (2) members refuse to meet unless it's in person and will resign from the board until the time there are in person meetings. These vacancies have been posted We have one (1) applicant for the February 4, 2021, application deadline, but they advised they would also only meet in person.

There have been no meetings for the Environmental Resources Board since being placed in Temporary Closure Status. The Recording Clerk for this board is working with the Law Office and the Board Attorney to figure out how to best address the situation.

Accept the Oneida Nation Arts Board FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Kelli Strickland, Chair/Oneida Nation Arts Board

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: January 31, 2022

Submitted by: Shannon Davis, Recording Clerk

OBC Liaison: Kirby Metoxen

OBC Liaison: Jennifer Webster

ONEIDA NATION ARTS BOARD - FY22 Q1

Purpose:

The purpose of the Oneida Nation Arts Board is to provide guidance and support to the Oneida Nation Arts Program. The Oneida Nation Arts Board performs the responsibilities granted to the Board under the Dollars for Arts Program.

BCC Members

Kelli Strickland	Vacant
Chair	Member
03/31/2023	03/31/2024
Kent Hutchison	Vacant
Vice-Chair	Member
03/31/2023	03/31/2025
Christopher Powless	Vacant
Member	Member
02/28/2022	03/31/2025
Vacant	
Member	
02/28/2022	

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a “Substantiated complaint” means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: Zero (0)

Meetings

2nd Tues of each month at 5:30 PM via Microsoft Teams until further notice

Emergency Meetings: Zero (0)

Contact Info

CONTACT: Sherrole Benton

TITLE: Arts Program Supervisor

PHONE NUMBER: 920-490-3832

E-MAIL: Sbenton@oneidanation.org

MAIN WEBSITE: <https://oneida-nsn.gov/resources/arts-program/>

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Successful management of the Wisconsin Regranting program, that involves Dollars for Arts (DAP) and Planting Seeds of Knowledge (SEEDS) grants.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Rule of Law - Ensuring the rules are known and applied equally to all with clear appeal (if needed) and are enforced by an impartial regulatory body, for the full protection of Oneida Nation stakeholders

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Oneida Nation Arts Board (ONAB) was established to provide advisory guidance and support to the Oneida Nation Arts Program (ONAP), and to oversee the WI Regranting Program funds and the Dollars for Arts Project ("DAP") in accordance with the DAP Law: "Title 1. Government and Finances – Chapter 128." The Board was further established to assist in the promotion of a community that embraces art as a pathway to sovereignty, where traditional and contemporary arts are woven into the fabric of everyday life and embolden a sense of belonging, according to ONAB By-laws.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Due to the Covid Pandemic we were not able to conduct the regranting program for Fiscal Year FY21, we skipped a year of grant funding from Wisconsin Arts for FY22. We are on time to meet the upcoming Final Grant report & Application for the FY21

Regranting Program, and ONAP will be applying for funds to continue our regranting programs DAP & Planting Seeds of Knowledge (SEEDS) grants for FY23. A total of 8 DAP Grant awards were provided = 6 artists and 2 non-profit community organizations were awarded DAP funds. Six local schools were awarded funds for SEEDS programming for presenting Native American SEEDS Artists. There were 31 days of residencies scheduled for this school year. SEEDS grant awards of \$11,400 funds went directly to Native American SEEDS Artists in our local community.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Moving forward the Arts Board wants to look at finding new ways to do fund raising and finding ways to expand grant matching.

Outcome/Goal # 2

Develop, adopt, review, and amend applicable standard operating procedures (SOPs) and our By-Laws.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term.

GOOD GOVERNANCE PRINCIPLE:

Rule of Law - Ensuring the rules are known and applied equally to all with clear appeal (if needed) and are enforced by an impartial regulatory body, for the full protection of Oneida Nation stakeholders

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

In quarter one (1) the board reviewed and updated their By-Laws; throughout the fiscal year the board will be looking at and determining if there are any other Standard Operating Policies that need to be updated and/or developed.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Upon completing of the review, the Oneida Nations Art Board By-Laws were submitted to begin the final review and approval process through the Legislative Operating Committee and the Oneida Business Committee, anticipating completion in quarter two (2).

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

A continuation of reviewing their By-Laws and SOPs to ensure the boards alignment with all policies, laws and governing documents of Boards, Committees and Commissions. The Board is also going to research and find ways to promote vacant positions, assist with fundraising for ONAP, and develop artists-in-residency (AIR) and mentorship programs.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

FY-2022 BUDGET: \$0

FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD: \$0

No budget information for Q1

Requests

None for Q1

Other

None for Q1

Accept the Oneida Nation Veterans Affairs Committee FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 2/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Gerald Cornelius, Chair/Oneida Nation Veterans Affairs Committee

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: BDOXTAT1



Memorandum

TO: Oneida Business Committee

FROM: Oneida Nation Veterans Affairs Committee

DATE: January 21, 2022

RE: 2022 1st Quarter Report

The Oneida Nation Veterans Affairs Committee is asking the Oneida Business Committee to accept this memorandum in place of the 2022 1st Quarter Report.

Background:

- On April 8, 2020 the Oneida Business Committee adopted BC Resolution # 04-08-20-B Placing Listed Boards, Committees, and Commissions in Temporary Closure Status for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021.
- On November 24, 2020 the Oneida Business Committee adopted BC Resolution # 11-24-20-C Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021.
- On April 14, 2021 the Oneida Business Committee adopted BC Resolution # 04-14-21-B Authorization for Boards, Committees, and Commissions to Meet and Superseding the Temporary Closure.
- Due to circumstances since temporary closure the Oneida Nation Veterans Affairs Committee was unable to achieve quorum.
- On January 11, 2022 the Oneida Nation Veterans Affairs Committee held their first official meeting. Moving forward the Oneida Nation Veterans Affairs Committee will begin providing Quarterly Reports commencing with the 2nd Quarter Report for 2022.

The ONVAC, per our By-laws, consists of nine (9) appointed members and we currently have only seven (7) active members, three (3) of which have expired terms as of December 31, 2021. We are currently advertising for five (5) positions as per the ONVAC By-laws. Several applications have been received and the Committee's recommendations will be forwarded per Oneida Nation Policy to the Tribal Secretary's office for consideration by the Oneida Business Committee.

Current Oneida Nation Veterans Affairs Committee consists of:

- | | |
|------------------------------|-------------------------------|
| • Chair: Gerald Cornelius | • Vice-Chair: Floyd Hill II |
| • Secretary: John Breuninger | • Member: Arthur Cornelius |
| • Member: Kenneth House | • Member: Benjamin Skenandore |
| • Member: Dale Webster | |

Accept the Oneida Personnel Commission FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Carole Liggins, Chair/Oneida Personnel Commission

Primary Requestor: Bonnie Pigman, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BPIGMAN



Memorandum

TO: Oneida Business Committee

FROM: Oneida Personnel Commission

DATE: January 18, 2022

RE: 2022 1st Quarter Report

The Oneida Personnel Commission is asking the Oneida Business Committee to accept this memorandum in place of the 2022 1st Quarter Report.

Background:

- On April 8, 2020 the Oneida Business Committee adopted BC Resolution # 04-08-20-B Placing Listed Boards, Committees, and Commissions in Temporary Closure Status for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021.
- On November 24, 2020 the Oneida Business Committee adopted BC Resolution # 11-24-20-C Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021.
- On April 14, 2021 the Oneida Business Committee adopted BC Resolution # 04-14-21-B Authorization for Boards, Committees, and Commissions to Meet and Superseding the Temporary Closure.
- Due to circumstances since the temporary closure the Oneida Personnel Commission was unable to achieve quorum.
- On January 18, 2022 the Oneida Personnel Commission held their first official meeting. Moving forward the Oneida Personnel Commission will begin providing Quarterly Reports commencing with the 2nd Quarter Report for 2022.

Current Oneida Personnel Commissioner's include:

- | | |
|---------------------------|-----------------------------|
| • Chair: Carole Liggins | • Vice-Chair: Twylite Moore |
| • Secretary: Renee Zakhar | • Commissioner: Carol Smith |

Accept the Oneida Police Commission FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Richard VanBoxtel, Chair/Oneida Police Commission

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: 01/26/22

Submitted by: Richard Van Boxtel, Chair

OBC Liaison: Brandon Stevens

OBC Liaison Alternates: Tehassi Hill & Daniel Guzman

ONEIDA POLICE COMMISSION

Purpose:

The purpose of the Oneida Police Commission is to regulate the conduct of the Oneida Nation Law Enforcement personnel according to the highest professional standards, to provide oversight regarding the activities and actions of the law enforcement operations, to provide the greatest possible professional services to the Oneida Community, and to allow the community input regarding those law enforcement services through its representatives on the Police Commission. This entity is created as an oversight body of the Oneida Police Department. The Chief of Police is responsible for the day to day activities of the law enforcement services provided to our community.

BCC Members

Richard Van Boxtel	Kory Wesaw
Chairwoman	Member
7-31-2023	10-31-2022
Beverly Anderson	Kim Nishimoto
Secretary	Vice-Chairwoman
7-31-2026	7-31-2024
Jeannette Ninham	
Member	
7-31-2022	

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS

0

Meetings

Held every 4th Wednesday of the month.

Emergency Meetings: 0

Contact Info

CONTACT: Brooke Doxtator

TITLE: Boards, Committees, and Commissions Supervisor

PHONE NUMBER: 920-869-4452

E-MAIL: police_commission@oneidanation.org

MAIN WEBSITE: <https://oneida-nsn.gov/government/boards-committees-and-commissions/appointed/#Oneida-Police-Commission>

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

One of the Commissions goals is to develop positive relationships with the Oneida Community

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Participation - Fostering a system in which the public feels that they are part of decision-making processes, including freedom of expression and assiduous concern for the best interests of the Tribe and community in general

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Oneida Police Commission is appointed by the Oneida Business Committee and entrusted with oversight of the Oneida Police Department. Duties include evaluating appointments and promotions, standard operating procedures and work standards (SOP/WS), Memorandum of Agreements (MOA), expenditures and grant opportunities. The Commission is a "checks and balances" of the Police Department because it is composed of Tribal members who are vested in the Oneida Community, which in turn encourages citizen input. The Oneida Police Department had several unfilled police officer positions. To address the vacant positions, the Commission has given approval to hire non-tribal members at entry level positions.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

The Police Commission has open mandatory monthly meeting with the Police Chief and/or Assistant Police Chief to review and approve the Oneida Police Departments monthly report and to keep the Police Commission informed of all the duties and responsibilities of the department and provide guidance. In accordance with the Law Enforcement Ordinance, the Commission worked with the Police Department to approve and fill vacant positions and approve standard operating procedures and work standards (SOP/WS).

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

In the future, the Police commission will continue to develop a positive relationship with the community and the Police Department. The Police Commission can plan and attend events together showing support.

Outcome/Goal # 2

Develop three community events to promote good relations between the community, Police Commission and Police Department while measuring attendance at events.

IS THIS A LONG-TERM OR QUARTERLY GOAL?

Long-term

GOOD GOVERNANCE PRINCIPLE:

Responsiveness - Availability to the public and timeous reaction to the needs and opinions of the public

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Oneida Police Commissioners are dedicated to building a strong community built on Tsi? Niyukwaliho'*ta by participating in community events and sharing our knowledge and experience. The Oneida Police Commission and Oneida Police Department collaborates with other tribal entities and other municipalities to strengthen our community.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

The community event aspect of this goal has been placed on hold due to the COVID-19 pandemic, however, it remains a priority for the Commission and we hope to resume these activities as soon as it safe to do so.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The Oneida Police Commission will continue to collaborate with other tribal entities and municipalities. We can also investigate alternative methods to reach out to community in a safe manner during the pandemic.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

FY-2022 BUDGET: \$15,800

FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD: \$525

Requests

No requests.

Other

- OPD Organization Chart is attached.

PERSONNEL

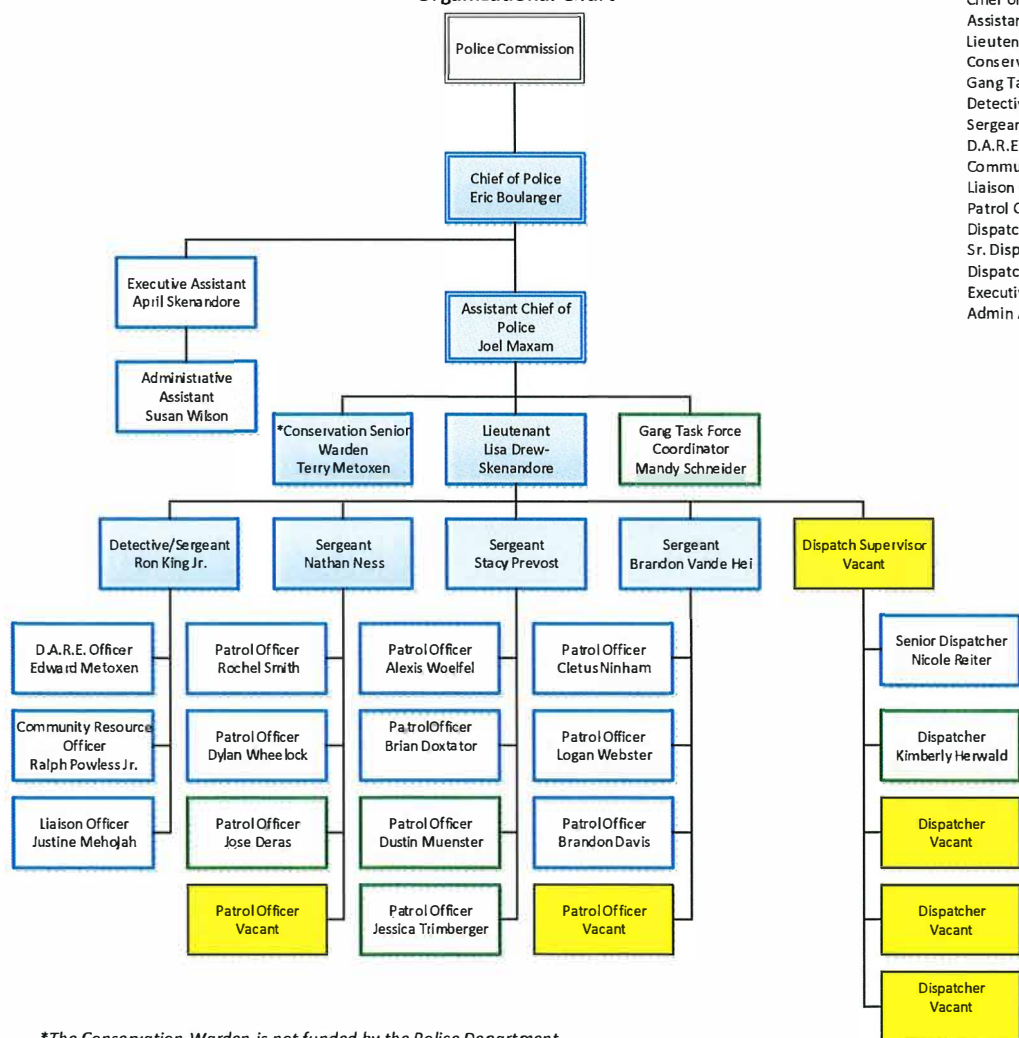
The organizational chart indicates the number of budgeted positions, vacancies and which positions are held by Oneida Tribal members.

Patrol: Pre-screenings were held for two vacancies.

Dispatch: Dispatch has one vacant Supervisor position and three vacant Dispatcher position. Interviews are scheduled on January 18, 2022.

Oneida Enrolled Required 8
Oneida Enrolled 21
Other 5

**Oneida Police Department
Organizational Chart**



POSITION	NO.
Chief of Police	1
Assistant Chief	1
Lieutenant	1
Conservation Warden	1
Gang Task Force	1
Detective Sergeant	1
Sergeant	3
D.A.R.E. Officer	1
Community Resource Officer	1
Liaison Officer	1
Patrol Officer	12
Dispatch Supervisor	1
Sr. Dispatch	1
Dispatcher	4
Executive Assistant	1
Admin Asst	1

*The Conservation Warden is not funded by the Police Department.

01/11/22

Accept the Pardon and Forgiveness Screening Committee FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Eric Boulanger, Chair/Pardon and Forgiveness
Screening Committee

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: BDOXTAT1

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: January 26, 2022

Submitted by: Eric Boulanger, Chair

OBC Liaison: Brandon Stevens

OBC Liaison: Jennifer Webster

PARDON AND FORGIVENESS SCREENING COMMITTEE

Purpose:

The purpose of the PFSC is to provide a fair, efficient and formal process for considering pardons and forgiveness.

BCC Members

Eric Boulanger
Chair
August 31, 2023

Sandra Skenadore
Member
August 31, 2023

Ronald King Jr.
Alternate
August 31, 2023

Vacant
Alternate
August 31, 2023

Elijah Metoxen
Member
August 31, 2023

Rosa Laster
Member
August 31, 2023

Julie King
Alternate
August 31, 2023

Vacant
Alternate
August 31, 2023

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: Zero (0)

Meetings

Held every 3rd Monday of February, May, August and November at 10:00 AM.

Emergency Meetings: Zero (0) emergency meetings were held

Contact Info

CONTACT: Brooke Doxtator

TITLE: Boards, Committees, and Commissions Supervisor

PHONE NUMBER: (920) 869-4452

E-MAIL: Boards@oneidanation.org

MAIN WEBSITE: <https://oneida-nsn.gov/government/boards-committees-and-commissions/appointed/#Pardon-and-Forgiveness-Screening-Committee>

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Create and update standard operating procedures.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Ensure we have the best tools and resources in place to effectively carry out our duties and responsibilities as provided in the Pardon and Forgiveness law.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

We've updated the pardon and forgiveness application, as well as the application deadlines so we have the time needed to work with the applications and meet the deadlines indicated in the pardon and forgiveness law. We've also started holding quarterly meetings in accordance with our bylaws.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Our goal is to make the appropriate updates to our current standard operating procedures and to identify and/or create additional standard operating procedure by August 2020. We also want to implement an annual review process for the standard operating procedures moving forward.

Outcome/Goal # 2

Create transition plan for newly appointed Pardon and Forgiveness Screening Committee members

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Accountability - The acknowledgement and assumption of responsibility for decisions and actions as well as the applicable rules of law

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Creating a transition plan will ensure the Committee will move forward without interruption even in the event that all new members are appointed to the Committee.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Our bylaws were successfully amended on October 9, 2019. The amended bylaws streamlined our membership and added minimum age and background check qualifications for the community-at-large positions.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

When our terms expire in August 2023, we are hoping for a smooth transition from the current Committee members to the newly appointed members, so pardon and forgiveness applicants don't have any interruptions in the pardon and forgiveness process.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 05-08-19-B sets the stipend amounts.

Budget Information

FY-2022 BUDGET:

No Budget, stipends are paid from BC
Special Projects

FY-2022 EXPENDITURES AS OF END OF REPORTING
PERIOD:

\$0

Requests

No Requests at this time.

Other

There were no pardon and forgiveness applicants during this quarter.

Accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Diane Hill, Chair/Southeastern Wisconsin Oneida Tribal Services Advisory Board

Primary Requestor: Bonnie Pigman, Recording Clerk

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: BPIGMAN



Memorandum

TO: Oneida Business Committee

FROM: Southeastern Wisconsin Tribal Services Advisory Board

DATE: January 20, 2022

RE: 2022 1st Quarter Report

The Oneida Southeastern Wisconsin Tribal Services Advisory Board is asking the Oneida Business Committee to accept this memorandum in place of the 2022 1st Quarter Report.

Background:

- On April 8, 2020 the Oneida Business Committee adopted BC Resolution # 04-08-20-B Placing Listed Boards, Committees, and Commissions in Temporary Closure Status for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021.
- On November 24, 2020 the Oneida Business Committee adopted BC Resolution # 11-24-20-C Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021.
- On April 14, 2021 the Oneida Business Committee adopted BC Resolution # 04-14-21-B Authorization for Boards, Committees, and Commissions to Meet and Superseding the Temporary Closure.
- Due to circumstances since temporary closure the Southeastern Wisconsin Tribal Services Advisory Board was unable to achieve quorum.
- On January 11, 2022 the Southeastern Wisconsin Tribal Services Advisory Board held their first official meeting. Moving forward the Southeastern Wisconsin Tribal Services Advisory Board will begin providing Quarterly Reports commencing with the 2nd Quarter Report for 2022.

Current Southeastern Wisconsin Tribal Services Advisory Board consists of:

- | | |
|---------------------------|---------------------------------|
| • Chair: Diane Hill | • Vice-Chair: Michael Coleman |
| • Secretary: Lloyd Ninham | • Member: Kathleen (Kitty) Hill |

Accept the Oneida Election Board FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Pamela Nohr, Chair/Oneida Election Board

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: February 1, 2022

Submitted by: Shannon Davis, Recording Clerk

OBC Liaison: Lisa Liggins

OBC Liaison: Cristina Danforth

ONEIDA ELECTION BOARD – FY22 Q1 REPORT

Purpose:

Responsible for conducting fair and orderly elections for the Oneida Nation, and responsible to count hand and/or ballot votes at General Tribal Council (GTC) meetings.

BCC Members

Pamela Nohr
Chairperson
07/31/2024

Patricia Moore
Member
07/31/2022

Tonya Webster
Vice-Chair
07/31/2023

Christina Liggins
Member
07/31/2023

Tina Skenandore
Secretary
07/31/2023

Melinda K. Danforth
Member
07/31/2024

Racquel Hill
Member
07/31/2022

Stephanie Metoxen
Member
07/31/2024

Candace House
Member
07/31/2022

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the Boards, Committees and Commissions law, annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: Zero (0)

Meetings

Held the 2nd and 4th Monday of every month. Meetings are held via Microsoft Teams until further notice.

Emergency Meetings: Zero (0)

Contact Info

CONTACT: Pamela Nohr

TITLE: Chair

E-MAIL: Election_Board@oneidanation.org

MAIN WEBSITE: <https://oneida-nsn.gov/government/boards-committees-and-commissions/elected/>

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

The Election Board will conduct all Oneida Elections in compliance with Oneida Law, Policy and/or Resolution.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Rule of Law - Ensuring the rules are known and applied equally to all with clear appeal (if needed) and are enforced by an impartial regulatory body, for the full protection of Oneida Nation stakeholders

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Election Board has been following Oneida Law, Policy, and/or Resolutions. This ensures the General Tribal Council an orderly and straightforward understanding of all elections.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

In Quarter 1 of FY2022, the Election Board has determined dates, tentative dates for moving forward to ensure that there is an efficient, orderly, and safe 2022 Special Election.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The membership can expect efficient, orderly elections.

Outcome/Goal # 2

Develop, adopt, review, and amend applicable standard operating procedures (SOPs) and our By-Laws.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Rule of Law - Ensuring the rules are known and applied equally to all with clear appeal (if needed) and are enforced by an impartial regulatory body, for the full protection of Oneida Nation stakeholders

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The board is actively updating and reviewing their By-Laws and SOPs, working with the Law Office on definitions. Updating SOPs creates accountability and sets up processes for current and future board members.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

In Quarter 1 of FY2022, the Election Board has been reviewing and ensuring that the By-Laws and Standard Operating Policies are updated and comply to all policies, laws and governing documents of Boards, Committees and Commissions and are in alignment with our mission and purpose.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

A continuation of reviewing their By-Laws and SOPs to ensure the boards alignment with all policies, laws and governing documents of Boards, Committees and Commissions.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

FY-2022 BUDGET: \$81,200

FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD: \$2900

Requests

None for Q1

Other

None for Q1

Accept the Oneida Gaming Commission FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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 A. Powless Sr., Chair/Oneida Gaming Commission

Primary Requestor: Bonnie Pigman, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BPIGMAN

2022 1st Quarter Report (Oct '21 to Dec'21)

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: [Click here to enter approval date](#)

Submitted by: Mark A. Powless Sr., Gaming Commission Chairman

OBC Liaison: Brandon Stevens

OBC Liaison: Marie Summers

ONEIDA GAMING COMMISSION

Purpose:
The Oneida Gaming Commission and its departments collectively promote and ensure the integrity, security, honesty and fairness of the regulation and administration of all Gaming activities within the jurisdiction of the Oneida Nation.

Gaming Commission Members

Mark A. Powless Sr.
Chairman
August 2023

Michelle Braaten
Secretary
August 2022

Enter Board Member Name
Enter Board Member Title, if any
Enter term end date

Enter Board Member Name
Enter Board Member Title, if any
Enter term end date

Reynold Danforth
Vice Chairman
August 2025

Jonas Hill
Commissioner
August 2024

Enter Board Member Name
Enter Board Member Title, if any
Enter term end date

Enter Board Member Name
Enter Board Member Title, if any
Enter term end date

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a “Substantiated complaint” means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: 0

Meetings

1st and 3rd Monday of the Month .

Emergency Meetings: None

Contact Info

CONTACT: Mark A. Powless Sr.
TITLE: Commission Chairman
PHONE NUMBER: (920) 497-5850 Ext. 5654
E-MAIL: MPOWLES5@oneidanation.org
MAIN WEBSITE: Enter website address

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Develop/Finalize all regulations, including the OGMIC's revisions, and regulations for: Employee Licensing, Hearings, Administration/Staffing. Revisiting other regulations annually, thereafter.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Rule of Law - Ensuring the rules are known and applied equally to all with clear appeal (if needed) and are enforced by an impartial regulatory body, for the full protection of Oneida Nation stakeholders

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Establishing and maintaining comprehensive and clear regulations that promulgate the rule of law, ensures fair and consistent processes are followed by the Gaming Commission and its departments. Keeping regulations up to date and available for stakeholder reference also allows for a transparent process and knowledge of what is expected. Up-to-date regulations provide for operational and customer references that benefit the Nation and assist the OGC to regulate Oneida Gaming effectively.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Reviewed and accepted House Rules- Rules of Play Sports Wagering ROP Poker – Amendment/ Revision, for OGC approval. Reviewed and accepted a total of 16 SOPs for Sports wagering, for OGC approval. Drafted new Sports Wagering Suspicious activity

report to ensure operation meets compliance with approved Sports Regulations. Reviewed and accepted another 10 SOPs that improve efficiency of gaming operations. Reviewed and approved or responded to 2 requests from gaming management. Completed review of the surveillance audit to address and resolve a critical finding.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

In the next 3 months the OGMIC's – Definitions Section, General Section, Revenue Audit, Audit and Accounting will be completed. This will bring an end to the OGMICS revision project allowing the department to further develop in other processes and procedures.

Outcome/Goal # 2

Implement department wide software system /technology for streamlined communication and regulatory processes/information sharing.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Mandatory Compliance with all regulatory authorities will continue to improve as we continue to adapt to ongoing issues as they arise.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Due to resulting tribal-wide changes as the result of COVID, our department was forced to simplify our fingerprint process to more practically meet the compliance requirements surrounding the use of fingerprint information established by the FBI. These changes resulted in reduced compliance requirements as well as costs. As a result, we suffered little effects from changes involving staff turnover and loss.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

SOP's continue to be updated and written to be adaptable to changes as they occur. All staff with access to restricted data from the FBI must maintain a yearly training and certification process.

Outcome/Goal # 3

Assess staff according to job competencies. Train employees to improve skills, job knowledge and build confidence.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Transparency - Open communication about actions taken and decisions made ensuring access to information is clear

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Transparency extends the mutual trust between employees and the department/organization. Practicing and maintaining open lines of communication and providing clear expectations will increase positive behaviors and productivity. To maintain transparency, the expectations should be clear and concise. The OGC departments/employees must fulfil their job competencies, trained, and evaluated according to job function and responsibilities

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Expectations have been acknowledged. To ensure staff is aware and understands expectations, periodic assessments are provided to new and existing staff. The Surveillance department has already initiated on-going training curriculum that continues to be improved upon. Each department within the Commission has been introduced in one manner or other to helping each other.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Advanced and supplementary training within other departments to further extend the mutual trust and being transparent with all information related to the department goals and objectives.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

<u>FY-2022 BUDGET:</u>	1,248,324.
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<u>FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD:</u>	247,020.06
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Enter budget utilization information, if needed.

Requests

Enter request(s), if needed.

Other

. Enter other information, if needed.

Accept the Oneida Land Claims Commission FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Chris Cornelius, Chair/Oneida Land Claims Commission

Primary Requestor: Bonnie Pigman, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BPIGMAN



Memorandum

TO: Oneida Business Committee

FROM: Oneida Land Claims Commission

DATE: January 21, 2022

RE: 2022 1st Quarter Report

The Oneida Land Claims Committee is asking the Oneida Business Committee to accept this memorandum in place of the 2022 1st Quarter Report.

Background:

- On April 8, 2020 the Oneida Business Committee adopted BC Resolution # 04-08-20-B Placing Listed Boards, Committees, and Commissions in Temporary Closure Status for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021.
- On November 24, 2020 the Oneida Business Committee adopted BC Resolution # 11-24-20-C Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021.
- On April 14, 2021 the Oneida Business Committee adopted BC Resolution # 04-14-21-B Authorization for Boards, Committees, and Commissions to Meet and Superseding the Temporary Closure.
- The Oneida Land Claims Commission held its first official meeting on January 6, 2022 and the first order of business was review of the Bylaws. Moving forward the Oneida Land Claims Commission will begin providing Quarterly Reports commencing with 2nd Quarter 2022.

Current Oneida Land Claims Commissioner's include:

- | | |
|-----------------------------|-------------------------------|
| • Chair: Chris Cornelius | • Vice-Chair: Donald McLester |
| • Secretary: Dakota Webster | • Commissioner: Kerry Kennedy |

Accept the Oneida Land Commission FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Rebecca Webster, Chair/Oneida Land Commission

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1

2022 Quarterly Report 1

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: Monday, January 31, 2022

Submitted: Sidney White

OBC Liaison: Cristina Danforth

OBC Liaison: Jennifer Webster / Marie Summers

ONEIDA LAND COMMISSION

Purpose:

The Land Commission was established for the purpose of managing the Nation's land resources, with authority to carry out all the powers and duties as delegated under the following laws of the Nation:

- 1.The Real Property Law;
- 2.The Leasing Law;
- 3.The Building Code;
- 4.The Condominium Ordinance;
- 5.The Zoning and Shoreland Protection Law;
- 6.The Eviction and Termination Law;
- 7.The Landlord-Tenant Law;
- 8.The Mortgage and Foreclosure Law;
- 9.The Cemetery Law; and
- 10.All other delegating law, policy, rule and/or resolution of the Nation.

BCC Members

Rebeca Webster
Chair
07/31/2022

Sidney White
Secretary
07/31/2023

Sherrole Benton
Commissioner
07/31/2024

Pat Cornelius
Commissioner
07/31/2022

Fred Muscavitch
Vice-Chair
07/31/2024

Julie Barton
Commissioner
07/31/2023

Donald McLester
Commissioner
07/31/2024

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: 0

Meetings

Held every 2nd and 4th Monday of the month.

Emergency Meetings: none

Contact Info

CONTACT: Oneida Business Committee Support Office

TITLE: Brooke Doxtator

PHONE NUMBER: (920) 869-1690

E-MAIL: Land_Commission@oneidanation.org

MAIN WEBSITE: <https://oneida-nsn.gov/government/boards-committees-and-commissions/elected/#Oneida-Land-Commission>

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Promoting Positive Community Relations

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Transparency - Open communication about actions taken and decisions made ensuring access to information is clear

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Land Commission strives to be open and transparent regarding actions and decisions. Goal for regular communication with membership via General Tribal Council meetings and postings on "Members-Only" page. Goal for the membership being informed and engaged with land acquisition, zoning and land use as it pertains to our Nation.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Reporting to general membership primarily through online and/or the Kalihwisaks. No general update to the membership since the last General Tribal Council (GTC) meeting. Potential updates via Nation website and/or the online version of the Kalihwisaks.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Information will be presented during annual and semi-annual meetings to the membership. Communicate to membership any land acquisition matters to ensure transparency.

Outcome/Goal # 2

Exercising Sovereignty

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Rule of Law - Ensuring the rules are known and applied equally to all with clear appeal (if needed) and are enforced by an impartial regulatory body, for the full protection of Oneida Nation stakeholders

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Re-establish roles & responsibilities to fully implement the 2033 Plan approved by GTC. The 2033 Plan provides an allocation of funds to reacquire land within the Oneida Reservation.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

First Quarter Closing: none.

Fiscal Year Closings: Accepted offer on one property to close on/before 04/01/2022, file #12201801C, 5 acres, Brown County

Current Oneida Nation Reservation ownership: **27,641.88 acres and 42.5% of reservation**

2033 Plan FY 2022: Funding by fiscal year \$12,241,200, Acres Targeted 1220, Total Owned 35,977 acres. Average goal price per acre: \$10,033.77 per acre.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The Land Commission goal is to acquire land, use land appropriately, and exercise the Oneida Nation's sovereignty. Pending COVID-19 pandemic response, membership may continue to see new acquisitions and programs being established with their input to maximize the use of Nation land and properties.

Outcome/Goal # 3

Promoting Positive Community Relations

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Participation - Fostering a system in which the public feels that they are part of decision-making processes, including freedom of expression and assiduous concern for the best interests of the Tribe and community in general

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Develop Land Use policy to better serve the needs of the membership. Focus on programs to serve individual farmers, entrepreneurs, and community organizations.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Delays continue to be expected on new rules being enacted and implemented due to the COVID-19 pandemic and response effort. There was no substantial progress made on new rules this past quarter.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Agricultural lease template to comply with the Hearsh Act. Continue with Developer's Agreement with Oneida Law Office. Continue with Land Use process. Draft process for HBO.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 05-08-19-B sets the stipend amounts.

Budget Information

FY-2022 BUDGET: \$16,800.00 budgeted

FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD: \$4,750.00 stipends

Requests

Enter request(s), if needed.

Other

Total of 61 HIP close from May 2016 to March 24, 2020. BC Resolution 6-9-21-A allocate \$1,200,000.00 to the HIP program

BC Resolution 6-9-21-A allocate \$720,000.00 to demolition of properties

Commercial Leases: 100% leased. One notice to vacate in January of 2022. All lessees responsible for taxes now receive tax bill directly from county. Lessee will need to provide a receipt of payment no later than January 31, 2022.

Accept the Oneida Nation Commission on Aging FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Carole Liggins, Chair/Oneida Nation Commission on Aging

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: SDAVIS

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: Click here to enter approval date

Submitted by: Shannon Davis, Recording Clerk

OBC Liaison: Jennifer Webster

OBC Liaison: Marie Summers

ONEIDA NATION COMMISSION ON AGING

Purpose:

The purpose of ONCOA is to adhere to the Oneida Nation's Vision, Mission, Core Values and to be knowledgeable and supportive of all programs and services that place priority on the well-being of our Oneida Elders. ONCOA must exist based on State statutory requirement for the Oneida Nation to receive funds for Elder Services.

BCC Members

Carole Liggins	Dellora Cornelius
Chair	Member
07/31/2022	07/31/2023
Michael Denny	Winnifred Thomas
Vice-Chair	Member
07/31/2023	07/31/2023
Barbara Cornelius	Julie Barton
Secretary	Member
07/31/2024	07/31/2024
Carol Elm	Janice McLester
Member	Member
07/31/2022	07/31/2024
Donald White	
Member	
07/31/2022	

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS:

Zero (0)

Meetings

Meetings are held the 2nd and 4th Tuesday of the month at 1 P.M. via Microsoft Teams until further notice.

Emergency Meetings: No emergency meetings were held during this quarter

Contact Info

CONTACT: Carole Liggins

TITLE: Chair

E-MAIL: oca-clig@oneidanation.org

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

To socialize, learn and seek wellness information: ONCOA will advocate for the development of educational seminars for Alzheimer's research and awareness, Stroke prevention research and awareness as well as other long term care services and supportive opportunities for our Tribal elders

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Equity and Inclusiveness - Providing the opportunity for the Nation's stakeholders to maintain, enhance, or generally improve their well-being which provides the most compelling message regarding its reason for existence and value to the Nation

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Provide opportunity for elders to meet and discuss issues effecting or pertaining to the Nation's elder community. Provide educational research and awareness information that may be of benefit for elders with specific medical needs or that may be at risk. Provide social networking opportunities on local, county and State levels.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Throughout discussion in quarter one (1) ONCOA has determined they will need to have a strategic plan to develop and discuss what their outcomes and goals will be beginning in quarter two (2).

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

To determine what the expectations are in conjunction to what the determined outcomes and goals are. All ONCOA Members need to have the same understanding as to what ONOCA is as an advisory board and how they can best advocate for the Nation's elder community.

Outcome/Goal # 2

Create a Strategic Plan for the Oneida Nation Commission on Aging

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Ensure we have the best tools and resources in place to effectively carry out our duties and responsibilities.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Scheduled a meeting with Amy Spears to on February 11, 2022, for strategic planning.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Creating a strategic plan will help us to establish and evaluate our goals and objectives to better serve our Oneida Elders and community.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

FY-2022 BUDGET: \$72,150

FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD: \$2900

Requests

None for quarter 1

Other

None for quarter 1

Accept the Oneida Nation School Board FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Aaron Manders, Chair/Oneida Nation School Board

Primary Requestor: Bonnie Pigman, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BPIGMAN

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: January 17, 2022

Submitted by: Jolene Hensberger, ONSB/ONES Administrative Assistant

OBC Liaison: Lisa Liggins, Secretary

OBC Liaison: Brandon Stevens, Vice Chair

ONEIDA NATION SCHOOL BOARD

Purpose:

The Board was established to coordinate existing and future education programs of the Oneida Nation; per directive of the Oneida General Tribal Council, to be an autonomous administrator of the Oneida Nation School System ("System") under a Memorandum of Agreement with the Oneida Business Committee; and to administer the Oneida Nation School System Endowment in accordance with the Nation's Endowments law as authorized under resolution BC-02-27-19-B.

BCC Members

Aaron Manders
Chair
7/31/2023

Melinda K. Danforth
Member
7/31/2024

Sacheen Lawrence
Vice Chair
7/31/2022

Barbara Cornelius
Member
7/31/2024

Sylvia Cornelius
Secretary
7/31/2023

Vicki L. Cornelius
Member
7/31/2024

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the Boards, Committees and Commissions law, annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: 0

Meetings

Every 1st Monday of the month and second meeting (as needed) at 5:00 p.m.

Emergency Meetings: 0

Contact Info

CONTACT: Jolene Hensberger
TITLE: Administrative Assistant
PHONE NUMBER: (920) 869-4654
E-MAIL: jhensber@oneidanation.org
MAIN WEBSITE: <https://oneida-nsn.gov/education/oneida-nation-school-system/>

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Review and update school board policies annually.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Reviewing our policies annually to make sure they are up to date and current, especially with the pandemic

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

In FY21, the Oneida Nation School Board completed the by-laws review and update, and is scheduled to be submitted to the LOC agenda.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The boards policies will be maintained and reviewed.

Outcome/Goal # 2

Participate in training necessary to conduct the duties involved.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Participation in training of ONSB members ensures they are aware of compliance, laws and policies as they relate to BIE tribally controlled schools. BIE trainings are offered to tribal boards regularly to educate board members.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

No BIE trainings were completed by ONSB members for the first quarter due to limited offerings and scheduling conflicts. However, all members were required to complete new extensive BIE federal background checks to be eligible to participate on the board.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

We will continue to share BIE training with all members and encourage them to take the virtual trainings. The extensive federal background check now required to be eligible to be on the board may negatively affect future membership.

Outcome/Goal # 3

Develop an ongoing positive working relationship with the Business Committee.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable

results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Collaboration with the Business Committee will support and sustain an effective school system for the Nation.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

ONSB collaborated with the OBC to begin planning stages of the Language Nest Immersion Program. The Language Nest strategic plan and funding request was approved and submitted to the OBC.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

ONSB expects and would encourage semi-annual update meetings between ONSB & OBC on the Language Nest expansion and ARPA funding plans to ensure the stability of this program.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

FY-2022 BUDGET: 54652

FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD: 3300

Accept the Oneida Trust Enrollment Committee FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Jennifer Hill-Kelley, Chair/Oneida Trust Enrollment Committee

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: SDAVIS

2022 report template

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on: January 25, 2022

Submitted by: Venessa Cardish

OBC Liaison: Jennifer Webster

OBC Liaison: [Click here to enter OBC Liaison](#)

ONEIDA TRUST ENROLLMENT COMMITTEE

Purpose:

Sustain the Oneida membership and protect our trust assets. To exercise stewardship over tribal enrollment and trust assets while providing leadership to sustain the tribe.

BCC Members

Jennifer Hill-Kelley
Chair
07/31/2024

Norbert Hill Jr.
Member
07/31/2022

William “Bill” Gollnick
Vice-Chair
07/31/2022

Sandra Skenadore
Member
07/31/2023

Pamela Ninham
Secretary
07/31/2022

Dylan Benton
Member
07/31/2024

Barbara “Bobbi” Webster
Member
07/21/2023

Geraldine Danforth
Member
07/31/2024

Jennifer Webster/Member 07/31/2023

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: 0

Meetings

4th Tuesday of the Month.

Emergency Meetings: None

Contact Info

CONTACT: Keith Doxtator
TITLE: Trust Enrollment Director
PHONE NUMBER: (920) 869-6200 or 1-800-571-9902
E-MAIL: kdoxtat1@oneidanation.org
MAIN WEBSITE: TrustEnrollments@oneidanation.org

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Sustain Oneida

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Equity and Inclusiveness - Providing the opportunity for the Nation's stakeholders to maintain, enhance, or generally improve their well-being which provides the most compelling message regarding its reason for existence and value to the Nation

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

Sustain Oneida has remained consistent with providing information and statistics on past, current, and future tribal membership statistics to the membership.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

Sustain Oneida continues to do adapt and utilize community outreach to the membership

virtually to engage and collect feedback. Most recently, the Trust Enrollment Director was hosted on the nation's Facebook live to bring forth the issue to an even larger audience. Gathering and compiling members input continues to assist the committee for an eventual in- person GTC presentation once the pandemic allows for large public gatherings. Recent information reported via Facebook live was that 2021 was the 3rd straight year reflecting decline in enrollment membership and due to the ¼ enrollment requirement members are having children that are no longer enrollable.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Sustain Oneida continues to host virtual meetings to discuss issues and solutions. The continued goal is to gather feedback from a special GTC meeting in hopes of receiving direction from the membership on how to proceed. With that feedback, the committee plans to create a roadmap of the possible solutions including any constitutional amendments/revisions that will be needed. Until the GTC meeting can be safely hosted due to the pandemic, Sustain Oneida is currently working on distributing another survey to membership.

Outcome/Goal # 2

Developing and transitioning from insurance provide distributing death benefit for deceased tribal members to an Oneida distributed death benefit.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The goal supports the principle by streamlining the process of the death benefit payout in-house rather than filing paperwork and submitting to a third party. Therefore, improving efficiency of payout to the decedent's family/designated beneficiary. Additionally, by distributing in-house it saves the expense of paying monthly premiums for the membership.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

An in-house distribution plan is presently being developed is being reviewed by department staff attorney.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The roll out of this program is targeted for the beginning of fiscal year 2023.

Outcome/Goal # 3

Transition and adaptation to virtual environment and services to membership

IS THIS A LONG-TERM OR QUARTERLY GOAL? Quarterly

GOOD GOVERNANCE PRINCIPLE:

Responsiveness - Availability to the public and timeous reaction to the needs and opinions of the public

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

As the Public Health State of Emergency unfortunately continued through the last quarter of the calendar year. As a result, the Trust Enrollment Department remained providing limited services by appointment to customers until approved to be open to the general public which includes walk-ins. By following safety protocols, the department is trying to provide services to the membership while proactively trying to stop the spread of Covid-19.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

As of January 3, 2022, the Trust Enrollment Department has fully opened to service customers and provides issuing of tribal ID's from 9 am- 4pm. Additionally, the committee has begun to research possible avenues to assist tribal members located off the reservation boundaries in acquiring an updated tribal ID.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The committee is seeking to provide an accessible, efficient, process to extend temporary options throughout the year to issue new tribal ID's outside of the reservation boundaries. The committee's goal is to comply with existing rules or laws regarding the off-reservation distribution. Therefore, the committee is conducting due diligence with researching SOP's that may be needed in order to assist in revision of this process to the membership. Additionally, purchasing of additional equipment, software, and needed accessories is will be needed to issue tribal ID's. Requesting, obtaining and utilizing ARPA funds for cost-effectiveness is being explored.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.

Budget Information

FY-2022 BUDGET:

Quarter 1 Budgeted: \$238, 552

FY-2022 EXPENDITURES AS OF END OF REPORTING
PERIOD:

Quarter 1 Expenses: \$183, 319

Enter budget utilization information, if needed.

Requests

Enter request(s), if needed.

Other

Enter other information, if needed.

Accept the Community Development Planning Committee FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Brandon Stevens, Vice-Chairman

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1

Community Development Planning Committee

Quarterly Report for FY-2022 1st Quarter

October-December 2021

**CDPC Members**

Brandon Stevens, CDPC Chair
Daniel Guzman-King, CDPC Vice-Chair
Kirby Metoxen, CDPC Member

Marie Summers, CDPC Member
Tehassi Hill, CDPC Member

Purpose

To ensure that the Land Use Plan, Comprehensive Plan, Vision Oneida Plan, Housing Plan, all economic development efforts and land use recommendations are working in coordination with each other to improve the Oneida Tribal community and operations.

Meetings

The CDPC meets every 1st Thursday of the month at 9 a.m. virtually via Microsoft Teams.

Activities Summary

For the 1st quarter of FY2022, three regular CDPC meetings were held in October, November, and December.

Highlights**Oneida Nation Burial Grounds**

The Cemetery update was added to Standing Updates in February 2021 as a monthly update to review ground maintenance and utilization report and the cemetery improvement project report. These have been multi-year and multi-phase projects. In order to keep project moving forward and keep communication up to date the Committee has asked for monthly reports until further notice.

Burial Ground maintenance reports continue to be submitted monthly. More plots were made available in October and family members were given first option to purchase plots near their interned family members before the plots were advertised to the rest of the community.

Cemetery improvement project reports continue to be submitted monthly. Phase IV construction was substantially completed in August.

There is a project for the Sacred Burial Ground expansion. The OBC supported the FY2022 CIP Budget allocation for this project. The tentative schedule: Report - complete 6/29/21, Approvals – 2022, Design – 2022-2023, Bidding – 2023, Construction - 2024, Substantial Completion - 2024

Bicentennial Project

Amy Spears, Strategic Planner has been assigned as the new temporary lead and will be providing quarterly updates. The last update occurred in November. The Bicentennial Planning Team started meeting 1-2 time per month. They determined that a week-long commemoration would be held in 2023 with presence at several Oneida events throughout the year such as the Pow wow, Applefest, Veterans Day, etc.

Next steps include determine date of the weeklong commemoration, form sub-committees for activity planning, and recruit more volunteers to assist in planning

THC Legalization Business Strategy Team update

The Oneida Business Committee directed the formation of a THC Legalization Business Strategy Team. They asked for the reports to be submitted to the CDPC on a monthly basis.

The THC Legalization Business Strategy Team provide their second report in October. They provided background information on the GTC and BC actions leading up to the formation of the team.

The team continues working to gather information on the industry, community statistics, legal and legislative issues, and identifying the necessary competencies needed to develop a business plan in this industry.

Market Rate Housing

This subject centers around discussion on potential uses of Water Circle Place and using OESC Group, LLC or one its subsidiaries like 1822 as the developer and MS2 as the general contractor. This discussion falls in line with BC Resolution 04-08-20-K Appointing Oneida ESC Group, LLC as Nation's General Contractor for Construction Projects.

Reporting Schedule

- Monthly:
 - Cemetery
 - THC Legalization
- Quarterly
 - Bicentennial Project

Accept the Finance Committee FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/9/22

2. Session:

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

Justification: *Choose or type justification.*

3. Requested Motion:

☐ Accept as information; OR

Accept and or approve the Finance Committee Q1 Report

4. Areas potentially impacted or affected by this request:

☒ Finance

☐ Programs/Services

☐ Law Office

☐ MIS

☐ Gaming/Retail

☒ Boards, Committees, or Commissions

☐ Other: *Describe*

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

6. 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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

7. Budget Information:

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

8. Submission:

Authorized Sponsor: Tina Danforth, Treasurer

Primary Requestor: Denise J. Vigue, Executive Assistant to the CFO

FINANCE COMMITTEE

FY22 – First Quarter Report (Oct. to Dec. 2021)

Approved by Official BC Action on: 7/19/95

PURPOSE: The Finance Committee (FC) is a working Sub-Committee of the Oneida Business Committee. Responsibilities include recommending financial decisions related to Nation policies, and oversight /guidance of organizational expenditures in support of the mission, values, and strategic goals of the Oneida Nation.

WHO WE SERVE: The FC works with all departments to ensure expenditures of any substantial amount are procured in the most cost effective and fair manner; as established by the processes and procedures of the Purchasing procurement manual. The FC also serves Oneida Community groups, tribal veterans' groups, local charitable organizations, and Oneida members through Finance Committee Donations and the Oneida Finance Fund.

FINANCE COMMITTEE MEMBERS: Members include two BC Council Members Jennifer Webster and Kirby Metoxen; the Treasurer, Cristina Danforth who chairs the meetings; Chief Financial Officer, Larry Barton who acts as the Vice-Chair; Gaming General Manager, Louise Cornelius; Purchasing Director, Patrick Stensloff; and a Community Elder Member (position is currently vacant). Chad Fuss, Assistant Gaming CFO and RaLinda Ninham-Lamberies, Assistant CFO are alternates for the GGM and CFO.

MEETINGS: Meetings are held twice a month, on a Monday one week prior to the regularly scheduled BC meetings. Due to the BC Declaration of Public Health State of Emergency relating to the COVID-19 virus/pandemic and the stay at home order, meetings were held virtually. In the 1st Quarter, the Finance Committee held six regular meetings on: Oct. 4th & 18th; Nov. 1st; 15th; 29th & Dec. 13, 2020. There were no work meetings.

GOALS: The three identified goals of the Finance Committee are as follows and will be reviewed and or updated later in FY2022.

1. To support and improve all processes, procedures, laws, budgets, and resolutions that pertain to responsible financial oversight/expenditures for the Nation.
2. Demonstrate consistent community commitment by providing Donations to Not-for-Profits, Veteran's groups, and charitable organizations; and by offering Oneida Finance Funds/Products to the Oneida membership and Oneida community groups.
3. Continue to develop endowments for the Nation in the areas of Language, Land, and Health to sustain funding for these important areas for future generations.

INTERNAL OPERATIONS/DEPARTMENT ACTIVITIES

In the 1st Quarter the Finance Committee reviewed and approved Thirty-Eight (38) requests from the organization for a total of \$12,073,850.40. The requests consisted of FY22 Blanket Purchase Orders, Gaming & Program Capital Expenditures, Change Orders; vendor service contracts, and various service contracts.

Informational requests are reported to the Finance Committee to provide transparency within the organization of business activities/procedures; Intergovernmental Agreements; and Reports for and by the FC. In the First Quarter the FC reviewed Fifteen (15) informational items and internal reports including: FC Monthly Reports; Government to Government Agreements, and Slot Lease/Percentage/Free Trial Games.

INVESTMENT UPDATES

There were no updates in the First Quarter.

ONEIDA FINANCE FUND

The Finance Committee reviews Oneida Finance Fund (OFF) requests at their first meeting of each month. The Fiscal Year 2022 funding for use is \$62,992.29. Per the FC Community Fund criteria all approved funding requests represent the following categories:

- 1.) Self-Development;
- 2.) Community Events; and
- 3.) Fundraising activities.

In the 1st Quarter the Finance Committee reviewed and approved Twenty-Three (23) OFF funding requests for a total amount approved of \$10,343. The OFF balance at the end of the 1st Quarter is \$52,649.29. There were no product requests this quarter. Attached is a listing of 1st Quarter requests.

FINANCE COMMITTEE DONATIONS

The Finance Committee reviews Donation requests at their second meeting of each month. The Donation allocation for Fiscal Year 2022 is \$50,000.00. Per the FC Donation criteria all requests approved represent the following categories: Oneida Community Causes; Local Groups (charitable); and Nation Groups (Indian Affiliated). There were three Donation requests in the First Quarter for a total of \$9,000 leaving an end balance of \$41,000. See attached summary.

FY 2022 Oneida Finance Fund Requests

FIRST QUARTER REPORT

Q1	Mtg Date	Name of Requester	Req. Category	Title /Description	Req Amount	FC Action
1	10/4/21	Jason Danforth	SelfDev-Youth	Wisconsin Flight Elite Basketball team fees	\$ 500.00	Approved
2	10/4/21	Jason Danforth	SelfDev-Youth	YMCA Development class fees	\$ 500.00	Approved
3	10/4/21	Jason Danforth	SelfDev-Adult	YMCA Monthly membership fees	\$ 500.00	Approved
4	11/1/21	Andrew Doxtater	SelfDev-Youth	New Fusion Dance Class fees for daughter	\$ 500.00	Approved
5	11/1/21	Cindy John	SelfDev-Youth	Impact Fastpitch fees for daughter (NB)	\$ 500.00	Approved
6	11/1/21	Cindy John	SelfDev-Youth	WI Legends AAU Basketball fees for daughter (JB)	\$ 500.00	Approved
7	11/1/21	Andrew Doxtater	SelfDev-Youth	Air Force Gymnastics fees for son	\$ 500.00	Approved
8	11/1/21	Maggie Teunissen	SelfDev-Youth	Select-Sheboygan Area Girls 11U Soccer fees	\$ 500.00	Approved
9	11/1/21	Margaret VanDenHeuvel	SelfDev-Youth	Various Sports Registrations in FY22 for son, Colt	\$ 459.00	Approved
10	11/1/21	Margaret VanDenHeuvel	SelfDev-Youth	Various Sports Registrations in FY22 for son, Gage	\$ 500.00	Approved
11	11/1/21	Margaret VanDenHeuvel	SelfDev-Youth	Various Sports Registrations in FY22 for son, Gavin	\$ 423.00	Approved
12	11/1/21	Margaret VanDenHeuvel	SelfDev-Youth	Various Sports Registrations in FY22 for son, Jack	\$ 229.50	Approved
13	11/1/21	Margaret VanDenHeuvel	SelfDev-Youth	Various Sports Registrations in FY22 for son, Sawyer	\$ 229.50	Approved
14	11/1/21	Andrew Doxtater	SelfDev-Youth	YWCA Swimming classes for son, Otto	\$ 500.00	Approved
15	11/1/21	Mary Graves	SelfDev-Adult	Pure Barre-Green Bay membership fees	\$ 500.00	Approved
16	11/1/21	Mike Debraska	SelfDev-Adult	Cannabis U Online training classes	\$ 360.00	Approved
17	11/1/21	Connor Kestell	SelfDev-Adult	Pure Barre-Norfolk membership/class fees	\$ 500.00	Approved
18	11/1/21	Reva Danforth	SelfDev-Youth	FC Elite Volleyball Club fees for Lilliani	\$ 500.00	Approved
19	11/1/21	Shakira Rasmussen	SelfDev-Youth	Green Bay Youth Hockey Assn Team fees for son	\$ 500.00	Approved
20	11/29/21	Evangeline Danforth	SelfDev-Youth	One Wisconsin Volleyball Fees for granddaughter	\$ 500.00	Approved
21	11/29/21	Vashi Cornelius-Rios	SelfDev-Adult	Verus Strength & Fitness Training Lab membership/class fees	\$ 500.00	Approved
22	11/29/21	Chad Metoxen	SelfDev-Adult	F.I.R.E. Fitness class fees	\$ 497.00	Approved
23	11/29/21	Cindy John	SelfDev-Youth	Basketball & Softball fees for daughter (MB)	\$ 145.00	Approved
					\$ 10,343.00	

FY 2022

Max is \$3000.

	FY2022	ALLOCATED AMOUNT	\$	50,000.00
1	10/21/21	Oneida Apostolic Church	\$	3,000.00
2	10/21/21	Safe Shelter, Inc	\$	3,000.00
3	12/13/21	WWGP - Safe Parking Program	\$	3,000.00
		Total Giving for FY 2022	\$	9,000.00

Accept the Legislative Operating Committee FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Santiago, LRO Senior Staff Attorney

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1







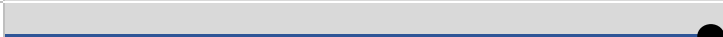
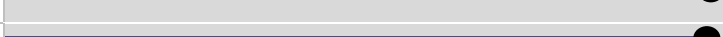








Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54115-0365
Oneida-nsn.gov



Legislative Operating Committee FY2021 First Quarter Report

Active Files List As of 12/31/2021
Work completed October 1, 2021 – December 31, 2021

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
Audit Committee Bylaws Amendments			
Budget Management and Control Law Amendments			
Business Corporations Law			
Children's Code Amendments			
Code of Ethics Law Amendments			
Community Support Fund Law Amendments			
Credit Collections Law Amendments			
Drug and Alcohol-Free Law for Elected and Appointed Officials			
Early Return to Work Law Emergency Amendments <i>Emerg. Expired 11/12/21</i>			
Election Law Emergency Amendments <i>Emerg. Expired 10/28/21</i>			
Elder Assistance Program Law			
Emergency Management and Homeland Security Law Amendments			
Endowments Law			
Environmental Review Law			
Fire Signs Law			
Furlough Law Amendments			
GTC Meeting Stipends Payment Policy Emergency Amendments <i>Emerg. Expired 4/8/21</i>			
Guardianship Law			
Industrial Hemp Law			
Investigative Leave Policy Amendments			
Law Enforcement Ordinance Amendments			
Layoff Policy Amendments			
Local Land Use Regulation Reimbursement Policy Repeal			
Marijuana Law			
Misappropriations of Funds Law			
Oneida General Welfare Law			
Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments <i>Emerg. Expired 8/24/21</i>			
Oneida Land Trust Law			
Oneida Nation Arts Board Bylaws Amendments			
Oneida Nation Emergency Planning Committee Bylaws			
Oneida Nation Gaming Ordinance Emergency Amendments <i>Emerg. Expires 5/12/21</i>			
Oneida Personnel Policies and Procedures Emergency Amendments			

Oneida Worker's Compensation Law Emergency Amendments <i>Emerg. Expires 11/12/21</i>	
Oneida Trust Enrollment Committee Bylaws	
Pandemic Relief Assistance Law <i>Emerg. Expired 5/24/21</i>	
Pardon and Forgiveness Law Emergency Amendments <i>Emerg. Expires 4/28/22</i>	
Pardon and Forgiveness Screening Committee Bylaws Amendments	
Public Peace Law	
Real Property Law Amendments	
Recycling and Solid Waste Disposal Law Amendments	
Sanctions and Penalties Law	
Taxation Law	
Traffic Law	
Tribal Sovereignty in Data Research Law	
Wellness Court Law	
Workplace Violence Law Amendments	

Legislative Operating Committee Action on Legislative Requests

During the FY22 First Quarter the Legislative Operating Committee added three (3) legislative items to its Active Files List. No requests were denied during the FY22 First Quarter.

Items Added to the Active Files List by the Legislative Operating Committee

On November 3, 2021, the Legislative Operating Committee added the Elder Assistance Program law to its Active Files List.

Then on November 17, 2021, the Legislative Operating Committee added the Tribal Sovereignty in Data Research law to its Active Files List.

On December 1, 2021, the Legislative Operating Committee added Oneida Nation Arts Board bylaws amendments to its Active Files List.

FY21 First Quarter Legislative Accomplishments

The Legislative Operating Committee brought forward the following legislation for adoption or amendment during the FY22 First Quarter:

Pardon and Forgiveness Law Emergency Amendments Extension

The purpose of the Pardon and Forgiveness law is to provide a fair, efficient, and formal process by which an individual may receive a pardon or forgiveness from the Nation, as well as define the duties and responsibilities of the Oneida Pardon and Forgiveness Screening Committee ("PFSC"), Oneida Business Committee, Secretary's Office, and other persons involved in the granting or denial of pardons and forgiveness. [1 O.C. 126.1-1]. Emergency amendments to the Pardon and Forgiveness law were sought to address the impact that the COVID-19 pandemic has had on the ability of the PFSC to process, as well as conduct hearings, on applications for a pardon or forgiveness in a fair and efficient manner as is required under the Pardon and Forgiveness law. Prior to the emergency amendments, the Pardon and Forgiveness law only allowed for hearings on an application for a pardon or forgiveness to be conducted in-person, at a location to be

determined by the PFSC. *[1 O.C. 126.8-1]*. The emergency amendments to the Pardon and Forgiveness law added an option for the PFSC to conduct its hearings virtually when it deems necessary. *[1 O.C. 126.8-1(a)]*.

The Oneida Business Committee adopted the emergency amendments to the Pardon and Forgiveness law on April 28, 2021, through resolution BC-04-28-21-A. The emergency amendments to the Pardon and Forgiveness law were set to expire on October 28, 2021.

The Oneida Business Committee extended the emergency amendments to the Pardon and Forgiveness law for an additional six (6) month period on October 27, 2021, through the adoption of resolution BC-10-27-21-A. The emergency amendments to the Pardon and Forgiveness law will now expire on April 28, 2022.

Oneida Nation Gaming Ordinance Emergency Amendments Extension

Emergency amendments to the Oneida Nation Gaming Ordinance (“ONGO”) were sought to protect the Nation against exposure to litigation and/or legal claims relating to ONGO’s placement of the Gaming Security Department (“Security”) within the Nation’s organizational structure. Specifically, the emergency amendments removed an avenue for potential liability that has been raised with respect to Security being placed within the Oneida Police Department under section 501.9-1 of the law. *[5 O.C. 501.9-1]*. The emergency amendments to ONGO re-assigned Security to the Oneida Business Committee to expeditiously dispose of any legal risks associated with its current placement.

The Oneida Business Committee adopted the emergency amendments to ONGO on May 12, 2021, through resolution BC-05-12-21-D. The emergency amendments to the ONGO were set to expire on November 12, 2021.

The Oneida Business Committee extended the emergency amendments to ONGO for an additional six (6) month period on November 10, 2021, through the adoption of resolution BC-11-10-21-A. The emergency amendments to ONGO will now expire on May 12, 2022.

Budget Management and Control Law Emergency Amendments Extension

The Budget Management and Control law sets forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation’s budget. *[1 O.C. 121.1-1]*. On November 24, 2020, the Oneida Business Committee adopted emergency amendments to the Law in response to the COVID-19 pandemic to provide that in the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation’s budget. *[1 O.C. 121.5-3(b)(1)]*. These emergency amendments were set to expire on May 24, 2021.

The Oneida Business Committee then adopted additional emergency amendments to the Budget Management and Control law on May 12, 2021, to address the Nation’s non-compliance with the budget development process and deadlines contained in the law. The emergency amendments to the Budget Management and Control law removed much of the details of the budget process,

requirements, and deadlines, and instead provided that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the Oneida Business Committee. The Oneida Business Committee adopted the emergency amendments to the law on May 12, 2021, through resolution BC-05-12-21-C. The emergency amendments to the Budget Management and Control law were set to expire on November 12, 2021.

The Oneida Business Committee extended the emergency amendments to the Budget Management and Control law for an additional six (6) month period on November 10, 2021, through the adoption of resolution BC-11-10-21-B. The emergency amendments to the Budget Management and Control law will now expire on May 12, 2022.

Oneida Personnel Policies and Procedures Emergency Amendments

Emergency amendments to the Oneida Personnel Policies and Procedures were sought to improve the Nation's hiring capacity and service delivery in the tight labor markets that have resulted from the COVID-19 pandemic. The emergency amendments to the Oneida Personnel Policies and Procedures made the following revisions to the law:

- Require that all applications for employment with the Nation be submitted online;
- Eliminate the requirement that a position vacancy be posted twice with the first posting open to enrolled members of the Nation only and the second posting open to the general public;
- Require that applicants who are enrolled members of the Oneida Nation be screened and interviewed prior to any other applicants;
- Allow for a supervisor to choose between the next two (2) ranked applicants if the first choice refuses the position offer;
- Require an employee who is transferred to continue serving in their present position until a replacement can be found, for a period up to thirty (30) days;
- Remove the requirement that an employee completes one (1) year of service to the Nation before being eligible for a transfer;
- Clarify that an employee shall be required to undergo an original probation period for three (3) months after being hired, transferred, or reassigned to a new position;
- Remove the provision that provided probationary employees be paid at five percent (5%) below the posted pay rate for the position; and
- Make other revisions throughout Section III of the Oneida Personnel Policies and Procedures to simplify and clarify language to make the hiring selection process more efficient.

The Oneida Business Committee adopted the emergency amendments to the Oneida Personnel Policies and Procedures on November 24, 2021, through the adoption of resolution BC-11-24-21-A. The emergency amendments to the Oneida Personnel Policies and Procedures will expire on May 24, 2022.

Adoption of the Oneida General Welfare Law

The Oneida General Welfare law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance on a non-taxable basis, to eligible Tribal members through approved programs that promote the general

welfare of the Nation including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.1-1, 1001.1-3, 1001.9-2]. The emergency adoption of the Oneida General Welfare law was set to expire on February 12, 2021.

Emergency amendments to the Oneida General Welfare law were then adopted by the Oneida Business Committee through resolution BC-02-10-21-B for the purpose of addressing how an approved program would be adopted by the Oneida Business Committee to allow for more flexibility and efficiency in addressing the needs of the Nation. The emergency amendment to the Oneida General Welfare law revised the definition of approved program to allow an approved program to be adopted by the Oneida Business Committee through resolution or law of the Nation. [10 O.C. 1001.3-1(a)]. Previously, an approved program could only be adopted by the Oneida Business Committee through a law of the Nation. These emergency amendments to the Oneida General Welfare law were set to expire on August 10, 2021.

On July 28, 2021, the Oneida Business Committee extended the emergency amendments for an additional six (6) month period through the adoption of resolution BC-07-28-21-M. A six (6) month extension of the emergency amendments to the Oneida General Welfare law was granted to provide additional time for the Legislative Operating Committee to process the adoption of permanent amendments to the Oneida General Welfare law. The emergency amendments to the Oneida General Welfare law were set to expire on February 10, 2022.

On December 8, 2021, the Oneida Business Committee adopted the Oneida General Welfare law on a permanent basis through the adoption of resolution BC-12-08-21-A.

Early Return to Work Law Emergency Amendments

The emergency amendments to the Early Return to Work law expired on November 12, 2021.

Election Law Emergency Amendments

The emergency amendments to the Election law expired on October 28, 2021.

Oneida Worker's Compensation Law Emergency Amendments

The emergency amendments to the Oneida Worker's Compensation law expired on November 12, 2021.

FY22 First Quarter Administrative Accomplishments

The Legislative Operating Committee brought forward the following administrative items for adoption or approval during the FY22 First Quarter:

Adoption of the Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

The Leasing law was adopted for purposes of setting forth the Nation's authority to issue, review, approve, and enforce leases. [6 O.C. 602.1-1]. The Leasing law delegates authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining residential, agricultural, or business leases. [6 O.C. 602.5-1]. Land Management is defined in the Leasing law as "the Division of Land Management or other entity responsible for entering into leases of tribal

land”. [6 O.C. 602.3-1(i)]. According to the Real Property law, the Comprehensive Housing Division is the entity responsible for processing all residential leases of Tribal land. [6 O.C. 601.9-1]. Therefore, the Comprehensive Housing Division is Land Management for purposes of the rulemaking authority delegated under the Leasing law.

The purpose of the Leasing law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (“the Rule”) is to increase the Nation’s land base while maintaining individual homeownership. Through the program, eligible homeowners can sell their land to the Nation and then enter into a residential lease with the Comprehensive Housing Division that will allow them to retain ownership of the improvements, as well as rights to the land upon which those improvements are located.

On September 1, 2021, the Legislative Operating Committee reviewed and certified the Rule, finding good cause under section 106.7-1(a) of the Administrative Rulemaking law to certify this Rule, despite being presented for certification outside of the time limits allowed by the Administrative Rulemaking law upon closure of the public comment period. This Rule was then adopted by the Oneida Business Committee on September 8, 2021. This Rule was then repealed by the Oneida Business Committee on October 13, 2021.

FY22 First Quarter Legislative Highlights

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY22 First Quarter:

Budget Management and Control Law Amendments

The Legislative Operating Committee held eight (8) work meetings during the FY22 First Quarter on the development of amendments to the Budget Management and Control law. The work meetings were held in collaboration with the Treasurer, Finance Administration, and Budget Analyst. On November 3, 2021, the Legislative Operating Committee approved the Budget Management and Control law emergency amendments extension packet and forward the materials to the Oneida Business Committee for consideration, while also approving the draft of proposed permanent amendments to the Budget Management and Control law and directing that a legislative analysis be developed. On December 15, 2021, the Legislative Operating Committee approved the updated draft, legislative analysis, and public comment period notice, and forwarded the Budget Management and Control law amendments to a public comment period to be held open until February 2, 2022.

Furlough Law Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 First Quarter on the development of proposed amendments to the Furlough law. On October 6, 2021, the Legislative Operating Committee approved the Furlough law amendments public comment period notice and forwarded the Furlough law amendments to a public comment period to be held open until November 11, 2021. The public comments were received during the public comment period. On November 17, 2021, the Legislative Operating Committee accepted the public comment period review memorandum which identified no public comments were received. On December 1, 2021, the Legislative Operating Committee approved the updated draft, legislative analysis, and the fiscal impact statement request memorandum and forwarded the materials to the Finance Department

directing that a fiscal impact statement be prepared and submitted to the LOC by December 15, 2021. On December 14, 2021, the Finance Department provided the fiscal impact statement for the proposed amendments to the Furlough law, with the impact being found to be “indeterminate,” and requested additional time to provide a fiscal impact statement that provides a fiscal impact other than indeterminate. The Legislative Operating Committee then extended the Finance Department’s deadline to provide a fiscal impact statement to January 26, 2022.

Law Enforcement Ordinance Amendments

The Legislative Operating Committee held three (3) work meetings during the FY22 First Quarter on the proposed amendments to the Law Enforcement Ordinance.

Layoff Policy Amendments

The Legislative Operating Committee held one (1) work meeting during the FY22 First Quarter on the proposed amendments to the Layoff Policy.

Local Land Use Regulation Reimbursement Policy Repeal

On October 6, 2021, the Legislative Operating Committee accept the public comment review memorandum which identified that there were no written comments received during the public comment period that was held open from August 18, 2021, until September 16, 2021.

Oneida Nation Gaming Ordinance Amendments

The Legislative Operating Committee held five (5) work meetings during the FY22 First Quarter on the amendments to the Oneida Nation Gaming Ordinance. The work meetings were held in collaboration with the Oneida Gaming Commission, Oneida Police Department, Oneida Police Commission, Conservation Department, and the Environmental, Health, Safety, Land and Agriculture Division.

Oneida Personnel Policies and Procedures Emergency Amendments

The Legislative Operating Committee held eight (8) work meetings during the FY22 First Quarter on the emergency amendments to the Oneida Personnel Policies and Procedures. The work meetings were held in collaboration with the Human Resources Department and the Oneida Business Committee.

Pardon and Forgiveness Law Emergency Amendments

The Legislative Operating Committee held one (1) work meeting during the FY22 First Quarter on the extension of the emergency amendments to the Pardon and Forgiveness law.

Tribal Sovereignty in Data Research Law

The Legislative Operating Committee held three (3) work meetings during the FY22 First Quarter on the Tribal Sovereignty in Data Research law.

FY22 First Quarter Legislative Operating Committee Meetings

Typically, all Legislative Operating Committee meetings are open to the public and held on the first and third Wednesday of each month, at 9:00 a.m. in the Norbert Hill Center’s Business Committee Conference Room.

Due to the COVID-19 pandemic and the Nation's Public Health State of Emergency, the Legislative Operating Committee meetings were closed to the public during the FY22 First Quarter. Oneida Business Committee resolution BC-12-08-21-B, *Updating Public Gathering Guidelines during Public Health State of Emergency - COVID-19*, requires that Legislative Operating Committee meetings be closed to the public due to the Nation's Public Health State of Emergency when the following conditions cannot be met:

- When COVID-19 Case Activity rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Percent Positive rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Community Transmission Rates by ZIP Code Tabulation Area are at or below low in ZIP Codes 54155, 54301, 54302 and 54303, or the ZIP Code in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

Employees of the Nation are provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. An audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes. Any non-employee who would like to access the Legislative Operating Committee meeting through Microsoft Teams can provide their name, phone number or e-mail address to LOC@oneidanation.org by the close of business the day before a meeting of the Legislative Operating Committee to receive the link to the Microsoft Teams meeting. Additionally, any individual who has comments or questions regarding open session items on a Legislative Operating Committee meeting agenda may submit the comments or questions to LOC@oneidanation.org no later than the close of business the day prior to any Legislative Operating Committee meeting. Any comments received are noticed to the Legislative Operating Committee.

The Legislative Operating Committee held the following meetings during the FY22 First Quarter:

- October 6, 2021 – Regular meeting;
- October 20, 2021 – Regular meeting;
- November 3, 2021 – Regular meeting;
- November 17, 2021 – Regular meeting;
- December 1, 2021 – Regular meeting;
- December 15, 2021 – Regular meeting.

Goals for FY22 First Quarter

During the FY22 Second Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Continued response to the COVID-19 pandemic;
2. Adoption of the Budget Management and Control law;
3. Adoption of the Furlough law;
4. Development of permanent amendments to the Oneida Nation Gaming Ordinance;
5. Development of the Wellness Court law; and

6. Development of the Oneida Elder Assistance Program law.

Legislative Reference Office

The Legislative Reference Office's mission is to provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects the Nation's values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty. The Legislative Reference Office is currently staffed by the following individuals:

- Clorissa N. Santiago, Senior Legislative Staff Attorney;
- Kristen Hooker, Legislative Staff Attorney; and
- Carmen Vanlanen, Legislative Analyst.

Legislative Operating Committee Contact Information

Feel free to contact the LOC at LOC@oneidanation.org with any questions or comments, or individual LOC members at the following:

- David Jordan, LOC Chairman
djordan1@oneidanation.org
- Kirby Metoxen, LOC Vice-Chairman
kmetox@oneidanation.org
- Jennifer Webster, LOC Member
jwebstel@oneidanation.org
- Daniel Guzman King, LOC Member
dguzman@oneidanation.org
- Marie Summers, LOC Member
esummer1@oneidanation.org



Accept the Quality of Life Committee FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Marie Summers, Councilwoman

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Quality of Life (QOL) Committee

FY-2022 1st Quarter Report (October - December)

PURPOSE

The Quality of Life Committee is standing committee of the Oneida Business Committee that will have oversight of health, wellness, and social issues of the following areas of the Nation: Language, Culture, Health, Environmental Issues, Housing and Food Security and Sovereignty.

COMMITTEE MEMBERS

Councilwoman Marie Summers, Quality of Life Committee Chair
Councilman Daniel Guzman-King, Quality of Life Committee Vice Chair
Vice-Chairman Brandon Stevens, Quality of Life Committee Member
Chairman Tehassi Hill, Quality of Life Committee Member

Other partners include: General Manager, Oneida Police Department, Division Directors, other senior leaders, and their staff.

MEETINGS

Quality of Life Committee meetings are held on the third Thursday of every month starting at 9:00 a.m. Meetings in the 1st quarter were held in October, November, and December.

ACTIVITIES SUMMARY

1. Environmental Issues

The Oneida Business Committee approved resolution # 10-13-21-E Proclamation of the Rights of Nature.

With the passing of the resolution this project has ended, and the next phase will be to determine goals and objectives to incorporate the Rights of Nature Proclamation in the Nation's legislation and judicial protection.

2. Food Security

The Oneida Business Committee approved resolution # 10-13-21-D Support of Food Sovereignty and Food Sovereignty Policy.

The project was closed out and reporting on new projects and goals for the Food Sovereignty Plan will begin in January.

3. Tribal Action Plan (TAP)

TAP staff will continue to meet with subcommittees to start working on the objectives for each goal for the TAP.

They are collaborating with the Native Justice Coalition to do a virtual presentation for the community on Harm Reduction and are also working on a contract with the Green Bay Comprehensive Treatment Center so they can do MAT presentations

TAP held a virtual Jigging Contest in December.

TAP is continuously working on applying for grants, planning community smudges, and community outreach.

4. Recreation Integration

The staff are working with Cultural Heritage to implement traditional activities and teaching into the curriculum. In addition, they are learning the pronunciation and meanings of the Core Values which will replace the 6 Pillars of character development.

They were having a difficult time hiring for the Recreation Specialist position due to the pay grade.

Next steps include: 1. Continue to work with public health and the schools to determine after school programming. 2. Develop Summer Program curriculum. 3. Work with Cultural Heritage to incorporate Oneida Culture into all programming and activities.

5. Zero Suicide

Safe Care Pathway (SCP) / Suicide Screening - Many of the Oneida Behavioral Health (OBH) clinical sessions are now conducted virtually via MS Teams. All patients at OBH are screened for suicidal ideation at each meeting using the Columbia-Suicide Severity Rating Scale (C-SSRS).

Finalizing the SOP for procedures and processes for entering, participating in and exiting the Safe Care Pathway.

The Zero Suicide Team/QPR trainers are organizing the QPR training schedule for OCHC staff.

Received the Emergency Suicide Prevention grant in August 2021.

Next steps include: 1. Develop workflow with integration of OBH into primary care with assessing and making referrals to OBH Safe Care Pathway.
2. The Zero Suicide Team/QPR trainers are organizing the QPR training schedule for YES Staff and Community

6. Cultural Heritage

Oneida Cultural Heritage is in the process of implementing a new structure and organization which includes 3 Clan Managers and replacing the Cultural Wellness area with Traditional Healing.

Next steps include: 1. Post the Traditional Healer position 2. Post the Clan Manager positions 3. Create apprentice positions and post for one Traditional Healer and two Cultural Advisors. 4. Reorganize the departments and positions that will report to a specific Clan Manager.

7. Wellness Council

Due to a position transition and the attention of this area directed to COVID-19, the Wellness Council has been put on hold.

8. HRD Minimum Wage

The Human Resource Department submitted a minimum wage/livable wage analysis to the Committee in October for review. The QoL Committee accepted the analysis draft and asked for it to be forward to the November 24, 2021, Oneida Business Committee for consideration, in addition we asked for other areas (General Manager, Gaming General Manager, Retail General Manager, Chief Financial Officer) of the organization to submit an impact report to their areas for going to a \$15.00 minimum wage.

The Oneida Business Committee approved resolution # 12-08-21-E Increasing the Oneida Nation Minimum Wage to \$15.00 Per Hour

REQUESTED ACTION:

Motion to accept the Quality of Life Committee FY-2022 1st quarter report.

Accept the Oneida Youth Leadership Institute FY-2022 1st quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 02/09/22

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 checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input 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 type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

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: Richard Elm-Hill, President/Oneida Youth Leadership Institute

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: SDAVIS

2022 1st Quarter Report

For Boards, Committees, and Commissions (BCCs)

Approved by official entity action on:

Submitted by: Cheryl Stevens

OBC Liaison: [Click here to enter OBC Liaison](#)

Oneida Youth Leadership Institute

Purpose: Overall Outcome/Goal

Oneida Youth Leadership Institute Mission Statement:

Investing in the development of our youth to enhance nation building by learning from our past, embracing our present, and leaving a legacy for the future.

The Oneida Youth Leadership Institute is a tax-deductible 7871 entity of the Oneida Nation actively planning for the 7th generation by providing opportunities, initiatives, and trainings that can help inspire our Native youth to become strong, progressive leaders. The Youth Leadership Institute will foster youth growth and development in the following areas:

- | | |
|------------------------------|--------------------------------|
| - Tradition Heritage/Culture | - Healthy Minds/Healthy Bodies |
| - Citizen Engagement | - Leadership |
| - Academic Excellence | - Entrepreneurship |
| - Networking | |

BCC Members

Melissa Metoxen
Board Member
June 2021

Marlon Skenandore
Board Member
June 2023

Elijah Metoxen
Board Member
June 2021

Jeff House
Board Member
Extended

Margaret Ellis
Treasurer
Extended

Paul Ninham
Board Member
June 2023

Aliskwet (Cheryl) Ellis
Board Member
May 2024

Substantiated Complaints (if applicable)

Per § 105.12-4.(a) of the [Boards, Committees and Commissions law](#), annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS:

No complaints received

Meetings

Open meetings every 3rd Thursday on the Month. We have only had one meeting since the Pandemic and the on-going "Declaration of Public Health State of Emergency" within the Nation began. We will have one meeting before end of this year to discuss our 2022 plans.

Emergency Meetings: None

Contact Info

CONTACT: Cheryl Stevens
 TITLE: Executive Manager
 PHONE NUMBER: 920-496-7331
 E-MAIL: cstevens@oneidanation.org
 MAIN WEBSITE: <http://oneidayouthleadership.org/>

Status report of Three-Year Outcomes/Goals

Incorporate Good Governance Principles to: 1) Clear the path for Tribal operations; 2) Fulfill our constitutional responsibility to conserve and develop our common resources; 3) Promote the welfare of ourselves and our descendants

Outcome/Goal # 1

To provide administrative and fundraising support to youth organizations that will bring additional insights and funding opportunities from the non-profit aspect of fundraising.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Equity and Inclusiveness - Providing the opportunity for the Nation's stakeholders to maintain, enhance, or generally improve their well-being which provides the most compelling message regarding its reason for existence and value to the Nation

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Oneida Youth Leadership Institute is a tax-deductible 7871 entity of the Oneida Nation actively planning for the 7th generation by providing opportunities, initiatives, and trainings that can help inspire our Native youth to become strong, progressive leaders. The Youth Leadership Institute assists youth organizations and programs to foster traditional culture; healthy minds & bodies; community engagement; leadership enhancement; academic excellence; entrepreneurship; and networking. The Oneida Youth Leadership Institute (OYLI) is fully engaged with the community as we are a community tool for tax-exempt fundraising efforts. We provide enhanced services to groups seeking to fundraise for youth activities/events and assist in the development of initiatives that will create leadership qualities in our youth. A 5% administrative fee of all fundraising/donations is charged for any operating costs as well as internal fundraising for the program. We have both the internal Accounting Dept. accounting and auditing process to follow as well as the process and auditing of the Bay Bank, in which our accounts are held.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

We have assisted with fundraising efforts of 10 various youth groups and over 100 community youth thus far in various venues such as traditions and culture, 4H entrepreneur activities, and health and wellness, while building leadership qualities within the youth participants. However, this past year couple of years have been stricken with the Covid-19 pandemic. And with the fact that we work with youth and youth programs, all activity has been halted until further notice. Also, the current Board members are all volunteer. Therefore, with the shortage of staff/resources, and higher workloads, the Board has not met since the shutdown, however we do plan on meeting this month.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The OYLI had been assisting community youth groups raise money as a tax-exempt fundraising entity and hopes to continue this effort soon. Once we are able, we will resume fundraising activities as well as expand OYLI programming. As mentioned, we are planning to resume our monthly meetings starting in June. The Indigenous Games with hopefully return in 2023. That means that the Native American Indigenous Game coordination and fundraising will soon begin again for this year. Due to the current Covid conditions, this may be pushed back to this summer. Once they begin to fundraise, we will continue to manage their account.

Outcome/Goal # 2

Provide open communication to the Nation and community to assure access to updated information. on skills training will also be required of all staff so that we can provide the utmost best customer service to our clientele.

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Transparency - Open communication about actions taken and decisions made ensuring access to information is clear

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

We advertise in the Kalihwisaks and on the Oneida Nation website. Once able, communication skills training will also be required of all board members so that we can provide the utmost best customer service to our clientele. We have two current members terms ended and will have been extended.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

We currently have a website that provides for on-line donations however, with the pandemic, we have no activity therefore there is currently nothing to update. We use the DonorPerfect software for all on-line donations, a donor management system for reporting, client data, and gift processing We will plan to work with MIS to develop a true database of our accounts.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Our hope was to have a fully functioning website, Facebook page, and online data system in place for smoother donation practices and open communication. These efforts have been pushed back due to the pandemic and current restrictions as well as fulltime workload being increased. This Pandemic has put a hold on much of our work, as many of the board members have fulltime jobs and due to the staff shortages and time off from work, it has been difficult to continue our efforts at this time as OYLI is not an urgent or essential need at this time.

Stipends

Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 05-08-19-B sets the stipend amounts.

Budget Information

FY-2021 BUDGET:

\$0 – no stipends have ever been given

FY-2021 EXPENDITURES AS OF END OF REPORTING

PERIOD:

\$0 – no expenditures for this past quarter

Requests

We currently have a full board however we have a few Board Members that wish to step down from the board. They have agreed to have their terms be extended until we get additional board member applicants and/or members.

Other - None