



Legislative Operating Committee FY2022 Second Quarter Report

Work completed January 1, 2022 – March 31, 2022

Active Files List As of 3/31/2022

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 Amendments <i>Emerg. Expires 5/12/21</i>	●		
Oneida Nation Veterans Affairs Committee Bylaws Amendments	●		

Oneida Personnel Policies and Procedures Amendments <i>Emerg. Expires 5/12/22</i>	
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 Second Quarter the Legislative Operating Committee added two (2) legislative items to its Active Files List. No requests were denied during the FY22 Second Quarter.

Items Added to the Active Files List by the Legislative Operating Committee

On February 16, 2022, the Legislative Operating Committee added the Oneida Nation Veterans Affairs Committee bylaws amendments to its Active Files List.

Then on March 16, 2022, the Legislative Operating Committee added the Oneida Nation Emergency Planning Committee bylaws amendments to its Active Files List.

FY21 Second Quarter Legislative Accomplishments

The Legislative Operating Committee brought forward the following legislation for adoption or amendment during the FY22 Second Quarter:

Furlough Law Amendments

The purpose of the Furlough law is 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]. The amendments to the Furlough law:

- Incorporated 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)];
- Added 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];
- Clarified 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].
- Required 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
- Added 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.

The Oneida Business Committee adopted the amendments to the Furlough law on February 9, 2020, through the adoption of resolution BC-02-09-22-A.

FY22 Second Quarter Administrative Accomplishments

The Legislative Operating Committee did not bring forward any administrative items during the FY22 Second Quarter.

FY22 Second Quarter Legislative Highlights

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY22 Second Quarter:

Budget Management and Control Law Amendments

The Legislative Operating Committee held five (5) work meetings during the FY22 Second Quarter on the development of amendments to the Budget Management and Control law. The work meetings were held in collaboration with the Assistant Chief Financial Officer and Budget Analyst. The public comment period for the proposed amendments to the Budget Management and Control law was held open until February 2, 2022, for the submission of written comments. One (1) submission of written comments was received during the public comment period. On February 16, 2022, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration. The Legislative Operating Committee then reviewed and considered the public comments received that same day. On March 16, 2022, the Legislative Operating Committee accepted the updated public comment review memorandum, approve the updated draft and legislative analysis with noted change to section 121.8-2 of the Law, and approved the fiscal impact statement request memorandum and forwarded to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by April 14, 2022.

Children’s Code Amendments

The Legislative Operating Committee held one (1) work meeting during the FY22 Second Quarter on the proposed amendments to the Children’s Code. The work meeting was held in collaboration with the Oneida Law Office.

Elder Assistance Program Law

The Legislative Operating Committee held seven (7) work meetings during the FY22 Second Quarter on the proposed Elder Assistance Program law. These work meeting were held in collaboration with the Oneida Law Office, Trust Enrollments Department, Chief Financial Officer, Oneida Trust Enrollment Committee, and Oneida Business Committee. On March 2, 2022, the Legislative Operating Committee accepted the draft of the Elder Assistance Program law and deferred to a work meeting for further discussion. Then on March 16, 2022, the Legislative Operating Committee approved the updated draft of the Elder Assistance Program law and directed that a legislative analysis be developed.

Law Enforcement Ordinance Amendments

The Legislative Operating Committee held one (1) work meetings during the FY22 Second Quarter on the proposed amendments to the Law Enforcement Ordinance. This work meeting was held in collaboration with the Oneida Police Commission.

Oneida Nation Gaming Ordinance Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 Second Quarter on the amendments to the Oneida Nation Gaming Ordinance (ONGO). The work meetings were held in collaboration with the Oneida Police Commission. On March 16, 2022, the Legislative Operating Committee approved the draft and legislative analysis of the amendments to ONGO and directed that a public comment period be held open for the proposed amendments to ONGO until April 13, 2022.

Oneida Personnel Policies and Procedures Emergency Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 Second Quarter on the permanent amendments to the Oneida Personnel Policies and Procedures. The work meetings were held in collaboration with the Human Resources Department.

Healing to Wellness Court Law

The Legislative Operating Committee held four (4) work meetings during the FY22 Second Quarter on the Healing to Wellness Court law. The work meetings were held in collaboration with the Oneida Nation Trial Court, Wellness Court Coordinator, and Oneida Police Department. On February 16, 2022, the Legislative Operating Committee approved the draft of the Healing to Wellness Court law and directed that a legislative analysis be developed. On March 16, 2022, the Legislative Operating Committee approved the legislative analysis for the Healing to Wellness Court law.

FY22 Second 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 Second 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 Second Quarter:

- January 19, 2022 – Regular meeting;
- February 2, 2022 – Regular meeting;
- February 16, 2022 – Regular meeting;
- March 2, 2022 – Regular meeting;
- March 16, 2022 – Regular meeting.

The January 5, 2022, Legislative Operating Committee meeting was canceled.

Goals for FY22 Third Quarter

During the FY22 Third Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Adoption of the Budget Management and Control law;
2. Adoption of the amendments to the Oneida Nation Gaming Ordinance;
3. Extension of emergency amendments to the Oneida Personnel Policies and Procedures;
4. Public meeting for the amendments to the Children’s Code;
5. Public meeting for the Healing to Wellness Court law; and
6. Public meeting for the 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. During the FY22 Second Quarter the Legislative Reference Office was 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:

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