

Oneida Business Committee



Executive Session
8:30 a.m. Tuesday, April 24, 2018
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 a.m. Wednesday, April 25, 2018
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

To get a copy of the agenda, go to: oneida-nsn.gov/government/business-committee/agendas-packets/

I. CALL TO ORDER AND ROLL CALL

II. OPENING

- A. Special Recognition for years of service – Twenty-two (22) Oneida Nation employees**
Sponsor: Geraldine Danforth, Area Manager/HRD

III. ADOPT THE AGENDA

IV. OATHS OF OFFICE

- A. Oneida Nation Arts Board** – Susan Danforth
B. Oneida Environmental Resource Board – Megan White
C. Oneida Pow-wow Committee – Jeremy King
D. Oneida Nation School Board – Shannon Metoxen

V. MINUTES

- A. Approve April 11, 2018, regular meeting minutes**
Sponsor: Lisa Summers, Secretary

VI. RESOLUTIONS

- A. Adopt resolution entitled Proclamation of Appreciation**
Sponsor: Kirby Metoxen, Councilman
B. Adopt resolution entitled Older Americans Month 2018
Sponsor: George Skenandore, Division Director/Governmental Services

- C. Adopt resolution entitled Contribution to the Experience Greater Green Bay**
Sponsor: Nathan King, Director/ Legislative Affairs
- D. Adopt resolution entitled Military Service Employee Protection Act Emergency Amendments**
Sponsor: David P. Jordan, Councilman
- E. Adopt resolution entitled Oneida Judiciary Rules of Civil Procedure Emergency Amendments**
Sponsor: David P. Jordan, Councilman
- F. Adopt resolution entitled Oneida Personnel Policies and Procedures Emergency Amendments**
Sponsor: David P. Jordan, Councilman
- G. Adopt resolution entitled Employee Protection Policy Emergency Amendments**
Sponsor: David P. Jordan, Councilman
- H. Adopt resolution entitled Transition Plan for the Transfer of Hearing Authority from the Personnel Commission to the Judiciary – Trial Court**
Sponsor: David P. Jordan, Councilman

VII. STANDING COMMITTEES

- A. COMMUNITY DEVELOPMENT PLANNING COMMITTEE**
Chair: Ernie Stevens III, Councilman
 - 1. **Accept March 8, 2018, Community Development Planning Committee meeting minutes**
- B. FINANCE COMMITTEE**
Chair: Trish King, Treasurer
 - 1. **Approve April 20, 2018, Finance Committee meeting minutes**
- C. LEGISLATIVE OPERATING COMMITTEE**
Chair: David P. Jordan, Councilman
 - 1. **Accept April 2, 2018, Legislative Operating Committee meeting minutes**
 - 2. **Accept June 18, 2018, special GTC meeting materials – Employment Law**
 - 3. **Adopt Domestic Animals law rule # 1 – Licensing Fees, Fines and Penalties**
- D. QUALITY OF LIFE COMMITTEE**
Chair: Brandon Stevens, Vice-Chairman
 - 1. **Accept March 15, 2018, Quality of Life Committee meeting minutes**

VIII. APPOINTMENTS *(No Requested Action)*

IX. TABLED BUSINESS *(No Requested Action)***X. UNFINISHED BUSINESS** *(No Requested Action)***XI. NEW BUSINESS** *(Scheduled times are subject to change)*

- A. Approve Capital Improvement Process (CIP) concept paper – ORCOA/ONCOA Elders Memorial Garden – CIP # 18-004**
Sponsor: Troy Parr, Division Director/Community and Economic Development
- B. Review DarJune Foundation Inc. request and determine next steps (10:00 a.m.)**
Sponsor: Daniel Guzman King, Councilman
- C. Approve OBC SOP entitled Employee Incentive Distribution for Business Committee Direct Reports and approve associated forms**
Sponsor: Tehassi Hill, Chairman; Brandon Stevens, Vice-Chairman; Lisa Summers, Secretary; and Trish King, Treasurer

XII. TRAVEL**A. TRAVEL REPORTS** *(No Requested Action)***B. TRAVEL REQUESTS**

- 1. Approve travel request – Secretary Lisa Summers and one (1) BC Staff – Tribal Caucus and Inter-Tribal Criminal Justice Council Meeting – Hayward, WI – May 23-24, 2018

XIII. OPERATIONAL REPORTS *(Scheduled times are subject to change)*

- A. Accept Comprehensive Health Division FY-2018 2nd quarter report (1:30 p.m.)**
Sponsor: Dr. Ravinder Vir, Division Director/Comprehensive Health Medical and Debra Danforth, Division Director/Comprehensive Health Operations
- B. Accept Governmental Services Division FY-2018 2nd quarter report (1:50 p.m.)**
Sponsor: George Skenandore, Division Director/Governmental Services
- C. Accept Internal Services Division FY-2018 2nd quarter report (2:10 p.m.)**
Sponsor: Joanie Buckley, Division Director/Internal Services
- D. Accept Community and Economic Development Division FY-2018 2nd quarter report (2:30 p.m.)**
Sponsor: Troy Parr, Division Director/Community and Economic Development
- E. Accept Public Works Division FY-2018 2nd quarter report**
Sponsor: Jacque Boyle, Division Director/Public Works

XIV. GENERAL TRIBAL COUNCIL *(To obtain a copy of Members Only materials, visit the BC Support Office, 2nd floor, Norbert Hill Center and present Tribal I.D. card or go to <https://goo.gl/uLp2jE>)*

A. Petitioner Yvonne Metivier – Treatment Clinic

EXCERPT FROM APRIL 11, 2018: (1) Motion by Lisa Summers to accept the legislative analysis 45-day status update, seconded by Kirby Metoxen. Motion carried unanimously. (2) Motion by Lisa Summers to accept the legal analysis 45-day status update, seconded by Kirby Metoxen. Motion carried unanimously. (3) Motion by Lisa Summers to accept the financial analysis 45-day status update, seconded by Kirby Metoxen. Motion carried unanimously.

EXCERPT FROM FEBRUARY 28, 2018: Motion by Jennifer Webster to acknowledge receipt of petition; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal, financial, legislative, and administrative analyses; to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Secretary within 60 days with a progress report to be submitted within 45 days; to direct the Direct Report Offices to submit administrative analyses to Secretary within 30 days, seconded by Brandon Stevens. Motion carried unanimously.

1. Accept legislative analysis

Sponsor: David P. Jordan, Councilman

2. Accept update regarding legal analysis, financial analysis, and meeting materials

Sponsor: Lisa Summers, Secretary

B. Approve four (4) actions re Petitioner Gladys Dallas – \$5,000 Per Capita payment

Sponsor: Lisa Summers, Secretary

XV. EXECUTIVE SESSION *(Scheduled times are subject to change)*

A. REPORTS

1. Accept Comprehensive Health Division FY-2018 2nd quarter executive report – Sponsor: Dr. Ravinder Vir, Division Director/Comprehensive Health Medical and Debra Danforth, Division Director/Comprehensive Health Operations *(8:30 a.m.)*

2. Accept Governmental Services Division FY-2018 2nd quarter executive report – George Skenandore, Division Director/Governmental Services *(9:00 a.m.)*

a) Discuss FY-2018 Rites of Passage budgetary concern

3. Accept Internal Services Division FY-2018 2nd quarter executive report – Joanie Buckley, Division Director/Internal Services *(9:30 a.m.)*

4. Accept Community and Economic Development Division FY-2018 2nd quarter executive report – Troy Parr, Division Director/Community and Economic Development *(10:00 a.m.)*

5. Defer Public Works Division FY-2018 2nd quarter executive report to March 9, 2018, regular Business Committee meeting – Jacque Boyle, Division Director/Public Works

6. Accept Chief Counsel report – Jo Anne House, Chief Counsel

7. Accept Chief Financial Officer April 2018 report – Larry Barton, Chief Financial Officer

8. Accept Intergovernmental Affairs and Communications April 2018 report – Nathan King, Director/ Legislative Affairs *(11:45 a.m.)*

B. STANDING ITEMS**1. LAND CLAIMS STRATEGY****a) Defer action plan regarding original records to May 9, 2018, regular Business Committee meeting**

Sponsor: Lisa Summers, Secretary

EXCERPT FROM MARCH 14, 2018: Motion by Jennifer Webster to accept the Land Claims update and the recommendations #1 through #5 included in the update noting that discussion and consideration of item #1.a. be included in the action plan, seconded by Trish King. Motion carried unanimously.

2. ONEIDA GOLF ENTERPRISE CORPORATION – LADIES PROFESSIONAL GOLF ASSOCIATION**a) Accept Thornberry Creek LPGA Classic April 2018 report**

Liaison: Trish King, Treasurer

Submitted by: Josh Doxtator, Chief Operational Officer/Oneida Golf Enterprise Corporation

3. LAND MORTGAGE FUNDS (No Requested Action)**C. AUDIT COMMITTEE (No Requested Action)****D. TABLED BUSINESS (No Requested Action)****E. UNFINISHED BUSINESS (No Requested Action)****1. Defer close-out report regarding complaint # 2017-DR11-01 to May 23, 2018, regular Business Committee meeting**

Sponsor: Brandon Stevens, Vice-Chairman; Jennifer Webster, Councilwoman

EXCERPT FROM MARCH 14, 2018: Motion by Kirby Metoxen to defer the close-out report regarding complaint # 2017-DR11-01 until the April 25, 2018, regular Oneida Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM DECEMBER 27, 2017: Motion by Kirby Metoxen to defer the follow-up or close-out report regarding Complaint # 2017-DR11-01 for thirty (30) days, seconded by Ernie Stevens III. Motion carried unanimously.

EXCERPT FROM NOVEMBER 30, 2017: Motion by Lisa Summers to defer the follow-up regarding complaint # 2017-DR11-01 for thirty (30) days, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 13, 2017: Motion by Lisa Summers to defer the follow-up regarding complaint # 2017-DR11-01 for thirty (30) days, seconded by Trish King. Motion carried unanimously.

EXCERPT FROM AUGUST 9, 2017: Motion by David Jordan to assign OBC members Brandon Stevens and Jennifer Webster for follow-up; and for this item to be brought to the September 13, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously.

EXCERPT FROM JULY 27, 2017: (Reconvened from July 26, 2017) Motion by Jennifer Webster to direct Vice-Chairwoman Melinda J. Danforth to complete the follow-up on behalf of the OBC Officers; and to direct that the report from Comprehensive Health be due at the August 9, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JULY 12, 2017: Motion by Motion by Jennifer Webster to defer this item to the Oneida Business Committee Officers for follow up with the Comprehensive Health Operations Division Director; and for a report to be brought back to the July 26, 2017, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

2. Accept 45-day update regarding complaint # 2018-DR04-01

Sponsor: Brandon Stevens, Vice-Chairman; Kirby Metoxen and Ernie Stevens III, Councilmen

EXCERPT FROM MARCH 28, 2018: Motion by Jennifer Webster to assign Councilman Kirby Metoxen to the OBC Sub-committee to investigate complaint # 2018-DR04-01 and to remove Councilman David P. Jordan from the Sub-committee, seconded by David P. Jordan. Motion carried with one abstention.

EXCERPT FROM MARCH 14, 2018: Motion by David P. Jordan to assign Vice-Chairman Brandon Stevens, Councilmen David Jordan, and Ernie Stevens III to investigate complaint # 2018-DR04-01, seconded by Kirby Metoxen. Motion carried unanimously.

3. Accept 45-day update regarding complaint # 2018-DR11-01

Sponsor: Brandon Stevens, Vice-Chairman; Trish King, Treasurer; Ernie Stevens III, Councilman

EXCERPT FROM MARCH 14, 2018: Motion by Kirby Metoxen to assign Vice-Chairman Brandon Stevens, Treasurer Trish King, and Councilman Ernie Stevens III to investigate complaint # 2018-DR11-01, seconded by Jennifer Webster. Motion carried unanimously.

F. NEW BUSINESS**1. Approve pursuing Tax Code drafting contract and approve Economic Diversification and Community Development fund use – Tax Code drafting contract – \$26,000**

Sponsor: Ernie Stevens III, Councilman

2. Review OBC SOP entitled Employee Incentive Distribution for Business Committee Direct Reports and associated forms

Sponsor: Tehassi Hill, Chairman; Brandon Stevens, Vice-Chairman; Lisa Summers, Secretary; and Trish King, Treasurer

XVI. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 4:30 p.m., Friday, April 20, 2018, 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: <https://oneida-nsn.gov/government/business-committee/agendas-packets/>

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Announcement/Recognition

Accept as Information only

Action - please describe:

Presentation of Years of Service Certificates to approximately twenty-five (20) employees by their immediate supervisor along with the Business Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1. List of employees to be recognized 3. [Empty]
2. [Empty] 4. [Empty]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Geraldine R. Danforth, HRD Area Manager

Primary Requestor: Maureen Metoxen, Exec Assist
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

HRD coordinates efforts on a quarterly basis, with all supervisors and the Business Committee to recognize employees who have reached the 25+ years milestone. With the assistance from each supervisor, HRD will create the certificate to be presented to the Years of Service recipient.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Fiscal Year: FY2018

2nd Quarter		FY'18		
Name	Supervisor Name	ADOH	Years	
1	PREVOST,JEFFREY L	SKENANDORE,LORNA G	Feb 2, 1983	35
2	SKENANDORE,RAE M	NINHAM-LAMBERIES,RALINDA R	Jan 3, 1993	25
3	MCNICHOLS,LORI J	LALUZERNE,KIM A	Jan 7, 1993	25
4	VERHEYEN,WAYNE J	BARBER,CHERIE P	Jan 9, 1993	25
5	APPEL,ROBERT	LALUZERNE,KIM A	Jan 20, 1993	25
6	CHARNIAK,RICHARD	LALUZERNE,KIM A	Jan 20, 1993	25
7	JOLY,CHRISTINE M	LALUZERNE,KIM A	Jan 20, 1993	25
8	KING,RICHARD G	LALUZERNE,KIM A	Jan 20, 1993	25
9	MANTHE,KERRY	LALUZERNE,KIM A	Jan 20, 1993	25
10	RAHMLOW,TAMMY S	LALUZERNE,KIM A	Jan 20, 1993	25
11	ZUELKE,SANDRA L	NINHAM,TIMOTHY D	Feb 1, 1993	25
12	POWLESS,JAMES L	DANFORTH,ALFRED	Feb 4, 1993	25
13	SZCZEPANSKI,LYNN A	JORDAN,MISTY D	Feb 8, 1993	25
14	RASMUSSEN,FAWNE M	CORNELIUS,LOUISE C	Feb 11, 1993	25
15	JOURDAN,MICHAEL J	ANTONE,DOROTHY A	Feb 22, 1993	25
16	KING-SKENANDORE,LUANN M	COTTRELL,SCOTT D	Feb 22, 1993	25
17	MURPHY,THERESA	DELGADO,TSYOSHAAHT C	Mar 8, 1993	25
18	BURKE,JAMES	LALUZERNE,KIM A	Mar 15, 1993	25
19	LINDBERG,SUZANNE	LALUZERNE,KIM A	Mar 15, 1993	25
20	ZAYAS,DOREEN P	SCHUYLER,LEE A	Mar 17, 1993	25
21	UMENTUM,TAMMY M	MIELKE,GEORGIANNA J	Mar 22, 1993	25
22	COWMAN,MARY J	LALUZERNE,KIM A	Mar 30, 1993	25

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Susan Danforth for the Oneida Nation Arts Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

There was one (1) applicant for one (1) vacancy on the Oneida Nation Arts Board.

On March 28, 2018 the Oneida Business Committee appointed Susan Danforth to the Oneida Nation Arts Board.

This will be the 2nd attempt to administer Susan's oath as he was unable to attend the regular BC Meeting on April 11, 2018.

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

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

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Megan White for the Environmental Resource Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

There was one (1) applicant for one (1) vacancy on the Environmental Resource Board.

On March 28, 2018 the Oneida Business Committee appointed Megan White to the Environmental Resource Board.

This will be the 2nd attempt to administer Megan's oath as she was unable to attend the regular BC Meeting on April 11, 2018.

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Jeremy King for the Pow Wow Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

There were four (4) applicants for one (1) vacancy on the Pow Wow Committee.

On March 28, 2018 the Oneida Business Committee appointed Jeremy King to the Pow Wow Committee.

This will be the 2nd attempt to administer Jeremy's oath as he was unable to attend the regular BC Meeting on April 11, 2018.

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

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Shannon Metoxen for the Oneida Nation School Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The Oneida Nation School Board had a vacancy due to a lack of applicants during the 2017 General Election.

According to their by-laws

Should a vacancy occur within the School Board, the following activities shall be undertaken to ensure the continuous operation of the Board in its charge to the School and the community:

If the highest non-elected candidate from the most recent election declines the position (there were not enough applicants from the most recent election), the Board shall publish its vacancy in the Kalihwisaks and ask for interested parents or community members. Upon deadline date, the School Board Chairperson will appoint, with School Board ratification, at the next regular School Board meeting.

Per the School Board minutes from April 2, 2018

School Board Chair, Debbie Danforth, appoints Shannon Metoxen to fulfill the parent position vacancy.

Yays for Shannon Metoxen: Melinda K. Danforth, Fred Muscavitch, RC Metoxen, Margaret Ellis, Todd Hill.

Yays for Latsi Hill: Fred Muscavitch, RC Metoxen

Yays for Fern Diamond: None

Yays for Paul Metoxen: None

Yays for Rita Madrid: None

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve April 11, 2018, regular Business Committee meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="4/11/18 regular BC meeting minutes DRAFT"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Lisa Liggins, Info. Mgmt. Spec./BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

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

8:30 a.m. Tuesday, April 10, 2018

Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting

8:30 a.m. Wednesday, April 11, 2018

BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**EXECUTIVE SESSION**

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Summers, Treasurer Trish King, Council members: Daniel Guzman King, Ernie Stevens III, Kirby Metoxen, Jennifer Webster;

Not Present: Councilmembers: David P. Jordan;

Arrived at: n/a

Others present: Jo Anne House, Lisa Liggins, Larry Barton, Nate King, Brad Toll, Louise Cornelius, Bob Barton;

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Summers, Treasurer Trish King, Council members: Daniel Guzman King, Ernie Stevens III, Kirby Metoxen;

Not Present: Councilmembers: David P. Jordan, Jennifer Webster;

Arrived at: n/a

Others present: Jo Anne House, Lisa Liggins, Larry Barton, Nancy Skenandore, Bonnie Pigman, Apache Danforth, Cheyenne Landru, Todd VanDen Heuvel, Nathan King, Brooke Doxtator, Mike Mousseau, Chad Johnson, Kateri Baker, Lorannen Smith, Alissa Santiago, Rosa Laster, Laura Laitinen-Warren, Karen Smith, Gina Buenrostro, Frank Vandehei, Debra Valentino, Kermit Valentino, Jessica Wallenfang, Mike Debraska, RC Metoxen, Candace House, Cathy L. Metoxen, Ed Delgado, Nancy Barton;

I. CALL TO ORDER AND ROLL CALL by Chairman Tehassi Hill at 8:33 a.m.

For the record: Councilman David P. Jordan is on vacation. Councilwoman Jennifer Webster is on approved travel to Indian Health Care Improvement fund (IHCIF) Workgroup Meeting in Denver, CO. Vice-Chairman Brandon Stevens will be leaving this morning on approved travel to Alliance for Boys and Men of Color Equity Summit – Chicago, IL.

II. OPENING by Chairman Tehassi Hill

DRAFT**III. ADOPT THE AGENDA (00:04:08)**

Motion by Lisa Summers to approve the agenda with four (4) requested changes [1) Delete item XV.B.2.a) Accept Oneida Golf Enterprise Corporation April 2018 report; 2) Add item XV.C.7. Accept final Vocational Rehabilitation Job Training performance assurance audit and lift confidentiality requirement; 3) Add item XV.F.4. Review Oneida Airport Hotel Corporation loan request; and 4) take action regarding part one of item XV.E.1. Review Chairman's recommendation regarding concern # 2018-CC-01 and determine next steps immediately following the Oaths of Office], seconded by Daniel Guzman King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers
 Not Present: David P. Jordan, Jennifer Webster

IV. OATHS OF OFFICE administered by Lisa Summers **(00:05:40)**

- A. **Oneida Pow-wow Committee** – Jeremy King (*not present*)
- B. **Anna John Resident Centered Care Community Board** – Candace House
- C. **Oneida Environmental Resource Board** – Megan White (*not present*)
- D. **Oneida Land Commission** – Michael J. Mousseau
- E. **Oneida Personnel Commission** – Donna Richmond (*not present*)
- F. **Oneida Nation Arts Board** – Susan Danforth (*not present*)
- G. **Oneida Airport Hotel Corporation – Board of Directors** – Kateri Baker
- H. **Bay Bancorporation Inc. – Board of Directors** – Todd VanDen Heuvel

V. MINUTES

- A. **Approve March 28, 2018, regular meeting minutes (00:12:04)**
 Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to approve the March 28, 2018, regular meeting minutes, seconded by Trish King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers
 Not Present: David P. Jordan, Jennifer Webster

VI. RESOLUTIONS (No Requested Action)**VII. STANDING COMMITTEES**

- A. **Community Development Planning Committee (No Requested Action)**
 Chair: Ernie Stevens III, Councilman

DRAFT**B. Finance Committee**

Chair: Trish King, Treasurer

*Councilman Ernie Stevens III departs at 9:18 a.m.***1. Approve April 2, 2018, Finance Committee meeting minutes (00:12:34)**

Motion by Daniel Guzman King to approve the April 2, 2018, Finance Committee meeting minutes, seconded by Ernie Stevens III. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Lisa Summers

Not Present: David P. Jordan, Ernie Stevens III, Jennifer Webster

*Councilman Ernie Stevens III returns at 9:20 a.m.***C. Legislative Operating Committee**

Chair: David P. Jordan, Councilman

1. Accept March 7, 2018, Legislative Operating Committee meeting minutes (00:45:20)

Motion by Lisa Summers to accept the March 7, 2018, Legislative Operating Committee meeting minutes, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Jennifer Webster

D. Quality of Life Committee (No Requested Action)

Chair: Brandon Stevens, Vice-Chairman

VIII. APPOINTMENTS**A. Appoint one (1) applicant to Oneida Election Board for remainder of term ending August 31, 2019 (00:45:46); (03:07:02)**

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to defer this item to executive session for discussion, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Jennifer Webster

Motion by Ernie Stevens III to repost the vacancy on the Oneida Election Board for remainder of term ending August 31, 2019, seconded by Daniel Guzman King. Motion carried with one abstention:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III

Abstained: Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

IX. TABLED BUSINESS (No Requested Action)**X. UNFINISHED BUSINESS (No Requested Action)**

DRAFT**XI. NEW BUSINESS**

Vice-Chairman Brandon Stevens departs for approved travel at 9:40 a.m.

Councilman Kirby Metoxen departs at 9:41 a.m.

Councilman Kirby Metoxen returns at 9:44 a.m.

A. Approve allocating 431 Hillcrest Drive garage space for use by Yukwatsistayl (00:48:34)

Sponsor: Trish King, Treasurer

Motion by Kirby Metoxen to support the efforts of Yukwatsistayl to obtain the lease for the garage space with the Oneida Land Commission, seconded by Trish King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Secretary Lisa Summers departs at 10:17 a.m.

Secretary Lisa Summers returns at 10:28 a.m.

B. Approve Presenting Partner level sponsorship of \$10,000 for 2018 Native American Tourism of Wisconsin Conference (01:36:23)

Sponsor: Kirby Metoxen, Councilman

Motion by Lisa Summers to send the 2018 Native American Tourism of Wisconsin Conference sponsorship request to the Finance Committee to come back with a recommendation on a sponsorship level and dollar amount, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Councilman Ernie Stevens III departs at 10:31 a.m.

Councilman Kirby Metoxen departs at 10:31 a.m.

Councilman Kirby Metoxen returns at 10:35 a.m.

Councilman Ernie Stevens III returns at 10:37 a.m.

XII. TRAVEL**A. TRAVEL REPORTS****1. Approve travel report – Secretary Lisa Summers and Treasurer Trish King – 11th Annual Tribal Casino & Hotel Development Conference – Temecula, CA – March 25-28, 2018 (01:57:31)**

Motion by Kirby Metoxen to approve the travel report for Secretary Lisa Summers and Treasurer Trish King regarding travel to the 11th Annual Tribal Casino & Hotel Development Conference – Temecula, CA – March 25-28, 2018, seconded by Daniel Guzman King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

DRAFT**B. TRAVEL REQUESTS****1. Approve travel request – Secretary Lisa Summers – 2018 Partners in Action – Milwaukee, WI – July 17-19, 2018 (02:04:35)**

Motion by Lisa Summers to approve the travel request for up to three (3) Oneida Business Committee members to attend the 2018 Partners in Action – Milwaukee, WI – July 17-19, 2018, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

2. Approve travel request – Treasurer Trish King – Tribal Tax Advisory Committee – Washington DC – May 6-8, 2018 (02:06:20)

Motion by Kirby Metoxen to approve the travel request for Treasurer Trish King to attend the Tribal Tax Advisory Committee – Washington DC – May 6-8, 2018, noting the dates may change with the final agenda, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

3. Approve travel request – Vice-Chairman Brandon Stevens – Haskell Spring Board of Regents Meeting – Lawrence, KS – May 15-18, 2018 (02:13:43)

Motion by Trish King to approve the travel request for Vice-Chairman Brandon Stevens to attend the Haskell Spring Board of Regents Meeting – Lawrence, KS – May 15-18, 2018, seconded by Kirby Metoxen. Motion carried with one abstention:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Lisa Summers

Abstained: Ernie Stevens III

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

4. Enter e-poll results into the record in accordance with OBC SOP entitled Conducting Electronic Voting:

Sponsor: Lisa Summers, Secretary

a) Approved travel request – Councilman David P. Jordan – 36th NAFOA Annual Conference – New Orleans, LA – April 22-25, 2018 (02:20:11)

Motion by Kirby Metoxen to enter the e-poll results into the record in accordance with OBC SOP entitled Conducting Electronic Voting regarding the approved travel request for Councilman David P. Jordan to attend the 36th NAFOA Annual Conference – New Orleans, LA – April 22-25, 2018, seconded by Trish King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

XIII. OPERATIONAL REPORTS (No Requested Action)

DRAFT**XIV. GENERAL TRIBAL COUNCIL****A. Petitioner Yvonne Metivier – Treatment Clinic**

EXCERPT FROM FEBRUARY 28, 2018: Motion by Jennifer Webster to acknowledge receipt of petition; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal, financial, legislative, and administrative analyses; to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Secretary within 60 days with a progress report to be submitted within 45 days; to direct the Direct Report Offices to submit administrative analyses to Secretary within 30 days, seconded by Brandon Stevens. Motion carried unanimously.

Councilman Kirby Metoxen departs at 10:58 a.m.

Councilman Kirby Metoxen returns at 11:02 a.m.

1. Accept legislative analysis 45-day status update (02:21:06)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to accept the legislative analysis 45-day status update, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

2. Accept legal analysis 45-day status update (02:34:12)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to accept the legal analysis 45-day status update, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

3. Accept financial analysis 45-day update (02:34:47)

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to accept the financial analysis 45-day status update, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

DRAFT**B. Approve four (4) actions re Petitioner Yvonne Metivier – FY 2019 Wage Increase (02:39:10)**

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to acknowledge receipt of petition, seconded by Brandon Stevens. Motion carried unanimously, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Lisa Summers to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal, financial, legislative, and administrative analyses, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Kirby Metoxen to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Secretary within 60 days with a progress report to be submitted within 45 days, seconded by Ernie Stevens III. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Kirby Metoxen to direct the Direct Report Offices to submit administrative analyses to Secretary within 30 days, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

C. Approve May 12, 2018, reconvened GTC meeting notice and addendum (02:51:52); (03:07:40)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to defer this item to caucus, seconded by Daniel Guzman King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Lisa Summers to approve the May 12, 2018, reconvened GTC meeting notice and addendum with the identified and noted changes, seconded by Ernie Stevens III. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

DRAFT**XV. EXECUTIVE SESSION****A. REPORTS****1. Accept Chief Counsel report – Jo Anne House, Chief Counsel (02:58:57)**

Motion by Lisa Summers to accept the Chief Counsel report, seconded by Trish King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers
 Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

2. Accept special Intergovernmental Affairs and Communications report – Nathan King, Director/ Intergovernmental Affairs and Communications (02:59:20)

Motion by Lisa Summers to accept the special Intergovernmental Affairs and Communications report and approve the Director's recommendation listed in the report, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers
 Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

B. STANDING ITEMS**1. LAND CLAIMS STRATEGY (No Requested Action)****2. ONEIDA GOLF ENTERPRISE CORPORATION – LADIES PROFESSIONAL GOLF ASSOCIATION****a) ~~Accept Oneida Golf Enterprise Corporation April 2018 report (Not Submitted)~~**

Item deleted at the adoption of the agenda

3. LAND MORTGAGE FUNDS**a) Accept update to Chief Financial Officer recommendation (02:59:51)**

Motion by Lisa Summers to accept the Chief Financial Officer recommendation as presented, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers
 Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

C. AUDIT COMMITTEE

Sponsor: David P. Jordan, Councilman

1. Accept February 15, 2018, Audit Committee meeting minutes (03:00:26)

Motion by Lisa Summers to accept the February 15, 2018, Audit Committee meeting minutes, seconded by Ernie Stevens III. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers
 Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

DRAFT**2. Accept final Oneida Police Department performance assurance audit and lift confidentiality requirement (03:00:44)**

Motion by Kirby Metoxen to accept the final Oneida Police Department performance assurance audit and lift the confidentiality requirement, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

3. Accept final Tsyunhehkwa performance assurance audit and lift confidentiality requirement (03:01:03)

Motion by Lisa Summers to accept the final Tsyunhehkwa performance assurance audit and lift the confidentiality requirement, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

4. Accept Four Card Poker rules of play audit and lift confidentiality requirement (03:01:20)

Motion by Daniel Guzman King to accept the Four Card Poker rules of play audit and lift the confidentiality requirement, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

5. Accept final Gaming Custodial performance assurance audit and lift confidentiality requirement (03:01:42)

Motion by Kirby Metoxen to accept the final Gaming Custodial performance assurance audit and lift the confidentiality requirement, seconded by Daniel Guzman King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

6. Accept final Custodial performance assurance audit and lift confidentiality requirement (03:02:04)

Motion by Kirby Metoxen to accept the final Custodial performance assurance audit and lift the confidentiality requirement, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

7. Accept final Vocational Rehabilitation Job Training performance assurance audit and lift confidentiality requirement (03:02:31)

Motion by Lisa Summers to accept the final Vocational Rehabilitation Job Training performance assurance audit and lift the confidentiality requirement, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

DRAFT**D. TABLED BUSINESS (No Requested Action)****E. UNFINISHED BUSINESS****1. Review Chairman's recommendation regarding concern # 2018-CC-01 and determine next steps (00:10:55); (03:03:00); (03:08:40)**

Sponsor: Tehassi Hill, Chairman

EXCERPT FROM MARCH 28, 2018: (1) Motion by Brandon Stevens to accept concern # 2018-CC-01 in accordance with 105-6.5 of the Comprehensive Policy Governing Boards, Committees, and Commissions, seconded by David P. Jordan. Motion carried unanimously. (2) Motion by Brandon Stevens to defer concern # 2018-CC-01 to the Chairman's Office and for the Chairman to bring back a recommendation to the April 11, 2018, regular Business Committee meeting, seconded by David P. Jordan. Motion carried unanimously.

Motion by Lisa Summers to accept the recommendation of the Chairman and terminate the appointment under the authority of section 105.6-5, based on the documentation submitted by the Oneida Personnel Commission, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Jennifer Webster

Motion by Lisa Summers to defer this item to executive session for discussion, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Lisa Summers to adopt resolution 04-11-18-A Dissolution of Personnel Commission, Tolling all Timelines in Personnel Related Matters, and Directing the Development of Emergency Amendments to Existing Laws, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Lisa Summers to adopt resolution 04-11-18-B Creation of the Personnel Selection Committee, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Lisa Summers that the Secretary coordinate any follow up correspondence regarding these two matters, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

DRAFT**F. NEW BUSINESS****1. Approve USDOT Partnership Agreement – file # 2018-0267 (03:03:40)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to approve the USDOT Partnership Agreement – file # 2018-0267, seconded by Ernie Stevens III. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

2. Approve limited waiver of sovereign immunity – LexisNexis Time Matters annual maintenance agreement – file # 2018-0323 (03:04:03)

Sponsor: Jo Anne House, Chief Counsel

Motion by Kirby Metoxen to approve a limited waiver of sovereign immunity for the LexisNexis Time Matters annual maintenance agreement – file # 2018-0323, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

3. Review application(s) for one (1) vacancy – Oneida Election Board – remainder of term ending August 31, 2019 (03:04:28); (03:10:56)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to defer this item to executive session for discussion, seconded by Ernie Stevens III. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Daniel Guzman King to accept the discussion regarding the applications for one (1) vacancy – Oneida Election Board – remainder of term ending August 31, 2019, as information, seconded by Ernie Stevens III. Motion carried one abstention:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III

Abstained: Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

4. Review Oneida Airport Hotel Corporation loan request (03:04:53); (03:11:52)

Sponsor: Trish King, Treasurer

Motion by Ernie Stevens III to defer this item to executive session for discussion, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Lisa Summers to adopt resolution 04-11-18-C Capital Contribution to the Oneida Airport Hotel Corporation of \$1.7 Million, seconded by Ernie Stevens III. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

DRAFT

Motion by Lisa Summers to go into executive session at 11:38 a.m., seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

Motion by Lisa Summers come out of executive session at 5:12 p.m., seconded by Ernie Stevens.

Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

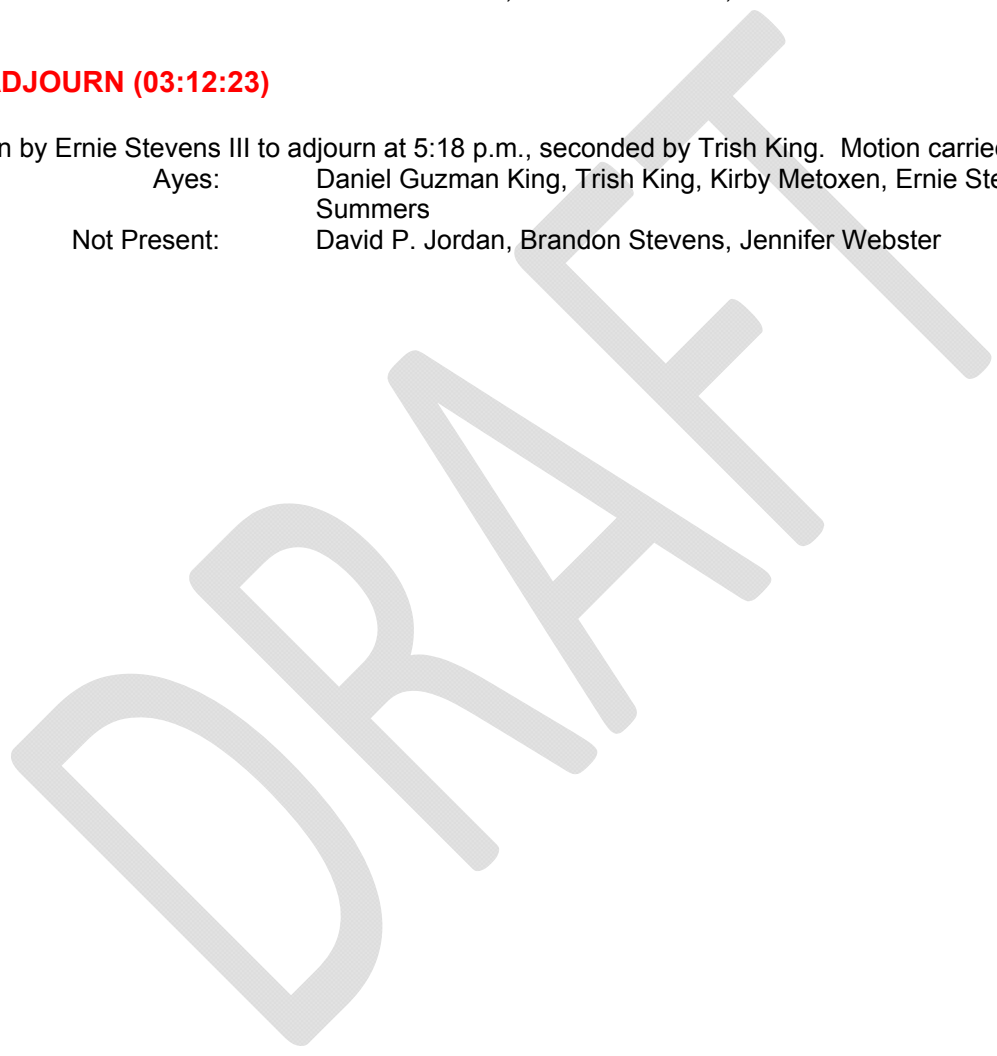
Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster

XVI. ADJOURN (03:12:23)

Motion by Ernie Stevens III to adjourn at 5:18 p.m., seconded by Trish King. Motion carried unanimously:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Brandon Stevens, Jennifer Webster



Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Request to adopt the attached draft BC Resolution "Proclamation of Appreciation" recognizing the Trust Enrollment Director's 24 years of service to the Oneida Nation.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

5. Email from Education and Training Area Manager Supporting Proclamation

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Bobbi Webster, Trust Enrollment Committee Chairwoman *Bobbi Webster/B.E.*
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The Trust Enrollment Director has served the Trust Enrollment Committee for over 24 years. In December of 2017, she was unexpectedly diagnosed with terminal illness and is retiring from her position. In recognition of the Trust Enrollment Director's decades of service to the Oneida Nation, the Oneida Trust Enrollment Committee would like to honor the Trust Enrollment Director by changing the name of the "Trust Scholarship Fund" to the "Susan White Trust Scholarship Fund".

The Trust Enrollment Committee respectfully requests the Business Committee to approve the attached draft OBC Resolution "Proclamation of Appreciation".

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

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

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

Oneida Trust Enrollment Committee

PO Box 365, Oneida WI 54155
(920) 869-6200 * 1-800-571-9902
Fax: (920) 869-2995

TrustEnrollments@oneidanation.org
<https://oneida-nsn.gov/resources/enrollments/>

**MEMORANDUM**

TO: Tehassi Hill, Tribal Chairman
Lisa Summers, Tribal Secretary

FROM: Bobbi Webster, Oneida Trust Enrollment Committee Chairwoman

DATE: April 17, 2018

SUBJECT: Proclamation of Appreciation for Susan White

The Oneida Trust Enrollment Committee (OTEC) is respectfully requesting that the Oneida Business Committee (OBC) place the attached Proclamation of Appreciation on the next OBC Regular Meeting Agenda to recognize Susan White, who was unfortunately diagnosed with a terminal illness. The OTEC requests the OBC to approve the Proclamation of Appreciation and to present it to Susan White at the April 25, 2018 Regular OBC Meeting.

In preparing the Proclamation of Appreciation, the OTEC consulted with the Higher Education Department and received their support in naming the "Trust Scholarship Fund" the "Susan White Trust Scholarship Fund."

The OTEC would like to have a signed copy of the Proclamation of Appreciation framed and placed on display in the Business Committee Conference Room. The OTEC would arrange for and pay for the framing.

Please contact me with any questions you may have regarding the proclamation.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____ Proclamation of Appreciation

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, Susan White has served as the Trust Enrollment Director for the past 24 years; and

WHEREAS, Susan White has always been known as a great team player, a strong project manager, and especially for her extraordinary commitment to serving the Oneida Nation; and

WHEREAS, Susan White has demonstrated the highest standards of professionalism, leadership, excellence, and dedication as an employee of the Oneida Nation; and

WHEREAS, Susan White has been instrumental in the nationwide initiative to break down the stereotypes of Native Americans, women, and minorities, and

WHEREAS, Susan White has been an advocate and educator of promoting and implementing a sustainable and responsible investment (SRI) philosophy and has participated nationally in coordinating shareholder activism for Indigenous peoples rights and well-being when affected by corporations, and

WHEREAS, Susan White has represented the Oneida Nation to stand strong with Oneida Nation allies to advocate for termination of Native Mascots in professional sports, and

WHEREAS, the Oneida Business Committee does wish to recognize Susan White’s distinguished career with the Oneida Nation and supports the Oneida Trust Enrollment Committee’s efforts to name the “Trust Scholarship Fund” the “Susan White Trust Scholarship Fund.”

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee does hereby express its sincere appreciation to Susan White on behalf of the Oneida Nation, for her dedication, time, knowledge, compassion, and diligence in serving the Oneida Nation.

NOW THEREFORE BE IT FURTHER RESOLVED, that the “Trust Scholarship Fund” will now be known as the “Susan White Trust Scholarship Fund.”



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



Statement of Effect

Proclamation of Appreciation

Summary

The resolution renames the “Trust Scholarship Fund” to the “Susan White Trust Scholarship Fund.”

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 18, 2018

Analysis by the Legislative Reference Office

This resolution recognizes the Oneida Nation Trust Enrollment Director Susan White’s distinguished career with the Oneida Nation and her dedication, time, knowledge, compassion, and diligence in serving the Oneida Nation. This resolution also supports the Oneida Trust Enrollment Committee’s efforts to rename the “Trust Scholarship Fund” to the “Susan White Trust Scholarship Fund.”

The Trust Scholarship Fund Policy (“the Policy”) was adopted by the Oneida Business Committee through resolution BC-03-21-01-C, and then amended by BC-06-21-06-Q and BC-12-30-09-A. The primary purpose of the Oneida Trust Scholarship Fund is to establish a trust resource for providing financial aid scholarships to assist eligible enrolled Oneida Tribal members in securing higher educational opportunities based on established criteria. [9 O.C. 901.1-1]. The Policy references the name of the scholarship fund as the Oneida Trust Scholarship Fund.

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws. The Oneida Business Committee may consider whether the Trust Scholarship Fund Policy should be amended to reflect the name change from “Trust Scholarship Fund” to the “Susan White Trust Scholarship Fund.” Any future amendments made to the Trust Scholarship Policy must be made in accordance with the Legislative Procedures Act.

Brent R. Truttmann

From: Brent R. Truttmann
Sent: Monday, April 09, 2018 10:35 AM
To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: E-POLL: Proclamation of Appreciation for Susan White
Attachments: 2018 04 09 RC Draft 2 Susan White Proclamation.docx

Importance: High

Good morning Trust Enrollment Committee,

Chairwoman Webster and Attorney Rob Collins have made some adjustments to the proposed proclamation. It now needs official approval of the Trust Enrollment Committee. In order to expedite the process and to ensure this remains a surprise to Susan, Chairwoman Webster is calling for an E-Poll for final approval of the proclamation. **PLEASE REVIEW THE ATTACHED PROCLAMATION AND CAST YOUR VOTE (APPROVE or REJECT) BY FRIDAY APRIL 13, 2018.**

The goal is to place the Proclamation on the OBC Agenda for their meeting on April 25th. If you have any questions or concerns, I am happy to help.

Have a good day everybody,

Brent Truttmann
Executive Assistant
Oneida Trust Enrollment Department
P.O. Box 365
Oneida, WI 54155
(920) 490-3930

From: Barbara Webster
Sent: Monday, April 02, 2018 9:57 AM
To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen
Cc: Robert J. Collins; Brent R. Truttmann; Carole Liggins
Subject: OTEC draft Resolution

Good Morning OTEC,

As we are all aware, the Director of Trust and Enrollments is facing a medical challenge she will not be able to overcome. As the Chairwoman of the OTEC, I asked Norb Hill Jr. to work on drafting a resolution to name the Oneida Trust Scholarship in memoriam and a lasting tribute to Susan White. Thank you Norb and Rob for your work on this draft. I have made a few edits to the resolution and attached for your review. I would like to place this resolution on our next regular agenda for approval and support to forward to the Oneida Business Committee..

During my short term on OTEC I have been impressed with the full participation and support of the entire committee on the business at hand, and in addition, Susan has been a tremendous asset to helping me understand the functions and purpose of OTEC. Prior to my role on OTEC, I worked with Susan in a public relations role on many of the initiatives she

collaborated for the committee. The Mascot issue, and Sustain Oneida were two of the most prominent that I recall. There are more, but these two stand out the most in my opinion.

Please review this draft, feel free to contribute to the final version and I hope you will all support my request to pass this resolution on to the OBC at our next meeting.

Brent: Could you please coordinate edits into the draft for review by the committee at the next meeting?

Yawe, have a great week.

Bobbi Webster, Public Relations Director
Office of Intergovernmental Affairs and Communications



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

office 920.869.4270
cell 920.819-8357
fax 920.869.4040

PO Box 365
Oneida, WI 54155-0365
Oneida-nsn.gov

Brent R. Truttmann

From: Norbert S. Hill
Sent: Monday, April 09, 2018 10:38 AM
To: Brent R. Truttmann
Subject: Re: E-POLL: Proclamation of Appreciation for Susan White

Approve.

Norbert Hill

Sent from my iPad

On Apr 9, 2018, at 10:35 AM, Brent R. Truttmann <btruttm2@oneidanation.org> wrote:

Good morning Trust Enrollment Committee,

Chairwoman Webster and Attorney Rob Collins have made some adjustments to the proposed proclamation. It now needs official approval of the Trust Enrollment Committee. In order to expedite the process and to ensure this remains a surprise to Susan, Chairwoman Webster is calling for an E-Poll for final approval of the proclamation. **PLEASE REVIEW THE ATTACHED PROCLAMATION AND CAST YOUR VOTE (APPROVE or REJECT) BY FRIDAY APRIL 13, 2018.**

The goal is to place the Proclamation on the OBC Agenda for their meeting on April 25th. If you have any questions or concerns, I am happy to help.

Have a good day everybody,

Brent Truttmann
Executive Assistant
Oneida Trust Enrollment Department
P.O. Box 365
Oneida, WI 54155
(920) 490-3930

From: Barbara Webster
Sent: Monday, April 02, 2018 9:57 AM
To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen
Cc: Robert J. Collins; Brent R. Truttmann; Carole Liggins
Subject: OTEC draft Resolution

Good Morning OTEC,

As we are all aware, the Director of Trust and Enrollments is facing a medical challenge she will not be able to overcome. As the Chairwoman of the OTEC, I asked Norb Hill Jr. to work on drafting a resolution to name the Oneida Trust Scholarship in memoriam and a lasting tribute to Susan White. Thank you Norb and Rob for your work on this draft. I have made a few edits to the resolution and attached for

Brent R. Truttmann

From: Loretta Metoxen
Sent: Tuesday, April 10, 2018 10:15 AM
To: Brent R. Truttmann; Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: RE: E-POLL: Proclamation of Appreciation for Susan White

Approved!!!!

Loretta V. Metoxen - Oneida Tribal Historian
Oneida Cultrural Heritage/Oneida History Department



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

Office: 920-490-3929
General: 1-800-236-2214
P.O. Box 365, Oneida, WI 54155
"A Story Worth Telling..."

Confidential Disclaimer: **The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any unauthorized use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify me of the erroneous transmission.*

From: Brent R. Truttmann
Sent: Monday, April 09, 2018 10:35 AM
To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: E-POLL: Proclamation of Appreciation for Susan White
Importance: High

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Brent R. Truttmann

From: Elaine <elskenandore@gmail.com>
Sent: Tuesday, April 10, 2018 6:24 PM
To: Loretta Metoxen
Cc: Brent R. Truttmann; Dylan Benton (dylanbenton@live.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless; Robert J. Collins; Carole Liggins; Barbara Webster
Subject: Re: E-POLL: Proclamation of Appreciation for Susan White

Approve.

Sent from my iPad

On Apr 10, 2018, at 10:15 AM, Loretta Metoxen <lmetoxe1@oneidanation.org> wrote:

Approved!!!!

Loretta V. Metoxen - Oneida Tribal Historian
Oneida Cultural Heritage/Oneida History Department

<image002.png>

Office: 920-490-3929
General: 1-800-236-2214
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From: Brent R. Truttmann
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To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: E-POLL: Proclamation of Appreciation for Susan White
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Brent R. Truttmann

From: Tracy L. Metoxen
Sent: Wednesday, April 11, 2018 1:47 PM
To: Brent R. Truttmann; Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: Re: E-POLL: Proclamation of Appreciation for Susan White

Approve

From: Brent R. Truttmann
Sent: Monday, April 9, 2018 10:35:17 AM
To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: E-POLL: Proclamation of Appreciation for Susan White

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Oneida Trust Enrollment Department
P.O. Box 365
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(920) 490-3930

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Cc: Robert J. Collins; Brent R. Truttmann; Carole Liggins
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Brent R. Truttmann

From: Dylan Benton <dylanbenton@live.com>
Sent: Wednesday, April 11, 2018 5:09 PM
To: Brent R. Truttmann; Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless; Tracy L. Metoxen
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: Re: E-POLL: Proclamation of Appreciation for Susan White

Approve

Get [Outlook for Android](#)

From: Tracy L. Metoxen <tmetoxe2@oneidanation.org>
Sent: Wednesday, April 11, 2018 1:47:26 PM
To: Brent R. Truttmann; Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: Re: E-POLL: Proclamation of Appreciation for Susan White

Approve

From: Brent R. Truttmann
Sent: Monday, April 9, 2018 10:35:17 AM
To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
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Brent Truttmann
Executive Assistant
Oneida Trust Enrollment Department
P.O. Box 365
Oneida, WI 54155
(920) 490-3930

Brent R. Truttmann

From: Kirby W. Metoxen
Sent: Friday, April 13, 2018 7:20 PM
To: Brent R. Truttmann
Cc: Rosa J. Laster
Subject: RE: E-POLL: Proclamation of Appreciation for Susan White

Support

Get [Outlook for Android](#)

From: Brent R. Truttmann
Sent: Friday, April 13, 2018 9:41:58 AM
To: Kirby W. Metoxen
Cc: Rosa J. Laster
Subject: RE: E-POLL: Proclamation of Appreciation for Susan White

Good morning Kirby,

The E-Poll for the Proclamation of Appreciation to Susan ends today. Have you reviewed the attached Proclamation? If so, could you cast your vote as APPROVED or REJECT?

Thank you!

Brent Truttmann
Executive Assistant
Oneida Trust Enrollment Department
P.O. Box 365
Oneida, WI 54155
(920) 490-3930

From: Brent R. Truttmann
Sent: Monday, April 09, 2018 10:35 AM
To: Dylan Benton (dylanbenton@live.com); Elaine (elskenandore@gmail.com) (elskenandore@gmail.com); Norbert S. Hill; Debra L. Powless; Tracy L. Metoxen; Loretta Metoxen; Kirby W. Metoxen; Tracy Metoxen; Debra Powless
Cc: Robert J. Collins; Carole Liggins; Barbara Webster
Subject: E-POLL: Proclamation of Appreciation for Susan White
Importance: High

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Brent R. Truttmann

From: Debra L. Powless
Sent: Thursday, April 12, 2018 2:37 PM
To: Brent R. Truttmann
Subject: RE: 4 11 18 Question - E-POLL: Proclamation of Appreciation for Susan White

Yes.

From: Brent R. Truttmann
Sent: Thursday, April 12, 2018 8:11 AM
To: Debra L. Powless
Subject: RE: 4 11 18 Question - E-POLL: Proclamation of Appreciation for Susan White

Shall I mark you as "approved" for the E-Poll?

From: Debra L. Powless
Sent: Wednesday, April 11, 2018 3:30 PM
To: Brent R. Truttmann
Subject: 4 11 18 Question - E-POLL: Proclamation of Appreciation for Susan White

Thanks OK I'm good with that. Debra.

From: Brent R. Truttmann
Sent: Wednesday, April 11, 2018 3:23 PM
To: Debra L. Powless
Subject: RE: 4 11 18 Question - E-POLL: Proclamation of Appreciation for Susan White

Hi Deb,

The proclamation of appreciation is intended for the supplemental smaller scholarship, currently titled Oneida Trust Scholarship Fund (Policy attached, see section). It is intended for, as you mentioned, incidental things for higher ed like LSATs, GRE's, or pre-requisite classes.

Trust Enrollment's has nothing to do with the educational funds approved by GTC.

Let me know if I can help with anything else,

Brent Truttmann
Executive Assistant
Oneida Trust Enrollment Department
P.O. Box 365
Oneida, WI 54155
(920) 490-3930

From: Debra L. Powless
Sent: Wednesday, April 11, 2018 2:50 PM
To: Brent R. Truttmann
Subject: 4 11 18 Question - E-POLL: Proclamation of Appreciation for Susan White

Brent R. Truttmann

From: Jennifer D. Hill Kelley
Sent: Tuesday, April 17, 2018 1:33 PM
To: Brent R. Truttmann
Cc: Lois J. Domencich; Bonnie M. Pigman; Robert J. Collins
Subject: RE: Requested Edits to the Trust Scholarship Policy

Sensitivity: Confidential

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brent,

The Education and Training Area has reviewed the proposed resolution regarding the name change of the Trust Scholarship and supports the change to the Susan White Trust Scholarship Fund.

Please let me know how else we can support this Proclamation.

Yawáko (Thank you),
Jennifer

Jennifer Hill-Kelley

Area Manager, Education & Training
Oneida Nation of Wisconsin
P.O. Box 365
Oneida, WI 54155
920.869.4037 office
920-639-7185 cell
jhillkel@oneidanation.org



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

From: Brent R. Truttmann
Sent: Tuesday, April 17, 2018 10:08 AM
To: Jennifer D. Hill Kelley
Cc: Lois J. Domencich; Bonnie M. Pigman; Robert J. Collins
Subject: RE: Requested Edits to the Trust Scholarship Policy
Sensitivity: Confidential

Good morning Jennifer,

I am preparing a "Proclamation of Appreciation" resolution that recognizes the name change of the "Trust Scholarship Fund" to "Susan White Trust Scholarship Fund" (see attached). I believe Attorney Rob Collins spoke with you in person

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Resolution for Older Americans Month May, 2018

Agenda Header: Resolutions

Accept as Information only

Action - please describe:

Approve resolution for Older Americans Month in May, 2018

3. Supporting Materials

Report Resolution Contract

Other:

1. Resolution

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: George Skenandore, Division Director/GSD

Primary Requestor/Submitter: Elijah G. Metoxen, Elder Services Program Manager
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Older Americans Month 2018: Engage at Every Age

Getting older doesn't mean what it used to. For many aging Americans, it is a phase of life where interests, goals, and dreams can get a new or second start. Today, aging is about eliminating outdated perceptions and living the way that suits you best.

Since 1963, OAM has been a time to celebrate older Americans, their stories, and their contributions. Led by the Administration for Community Living (ACL), the annual observance offers a special opportunity to learn about, support, and recognize our nation's older citizens. This year's theme, "Engage at Every Age" emphasizes that you are never too old (or too young) to take part in activities that can enrich your physical, mental and emotional well-being and celebrates the many ways older adults make a difference in our communities.

Oneida Elder Services will use OAM 2018 to focus on how older adults in our community are redefining aging—through work or family interests, by taking charge of their health and staying independent for as long as possible, and through their community and advocacy efforts. We can also use this opportunity to learn how we can best support and learn from our community's older members.

Throughout the month, Elder Services will conduct activities and share information designed to highlight local programs, resources, stories, etc. We encourage you to get involved with the activities which are all held at the Congregate Meal Site and listed below:

1st, 1:15p-Oneida Hymnal Singers

3rd, 10:00a-Hand Reflexology & Essential Oils

11th, 12:00p-Snapchat-Youth from Oneida High School teaching elders snap chat

18th, 1:00p-Elder Dance-DJ Jammin Joey Ninham

22nd, 10:00a-Old Photos w/ Loretta Metoxen

29th, 11:00a-Take an Elder to lunch date

31st, 10:00a-Story Telling w/ Brian Doxtator

Here is the link for more information on Older Americans Month <https://oam.acl.gov/index.html>

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

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

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

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Older Americans Month 2018

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Nation Constitution by the Oneida General Tribal Council; and

WHEREAS, The Oneida community includes older Americans who richly contribute to our community; and

WHEREAS, The Oneida Nation is committed to supporting Oneida Elders as they take charge of their health, explore new opportunities and focus on independence; and

WHEREAS, The Oneida Nation is committed to providing enrichment opportunities for Oneida people of all ages; and

NOW THEREFORE BE IT RESOLVED, "That the Oneida Nation does hereby proclaim May 2018 to be older Americans month."

BE IT FINALLY RESOLVED, "That all Oneida Nation members are encouraged to take time during this month to acknowledge the ongoing contributions made by Oneida elders to the history and future of the Oneida Nation."

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____
Contribution to the Experience Greater Green Bay

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Oneida Business Committee adopted the Room Tax law to collect a transient room tax at all hotel facilities with the Oneida Reservation for the purposes of promoting tourism; and

WHEREAS, the Room Tax revenues are committed through resolution # BC-03-24-99-C regarding allocation for the support of the Tourism and Promotions Department, and through adoption of a Room Tax Funding Agreement adopted at the August 22, 2012, Oneida Business Committee meeting; and

WHEREAS, the Room Tax revenues have been utilized to fund tourism and supporting the Green Bay Convention and Visitors Bureau since adoption of resolution in 1999 and the funding agreement in 2012 with excess funds from room tax collection being placed in the Hotel Tax Fund; and

WHEREAS, the Green Bay Convention and Visitors Bureau is developing and constructing a new Visitor's Center and has requested participation by the Oneida Nation; and

WHEREAS, the new Visitor's Center will have a prominent display and interactive areas that will allow the Oneida Nation to promote its tourism and business activities; and

WHEREAS, our relationship with the Green Bay Convention and Visitors Bureau has been a positive partnership promoting the Oneida Nation and its subsidiaries; and

WHEREAS, the Oneida Business Committee desires to continue to support this relationship and participate in the opportunity to promote the Oneida Nation at the new Visitors Center in the future through building branding opportunities, display and information space allocations, and opportunities to utilize space for promotional activities; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee authorizes the allocation of \$1.5 million from the Hotel Tax Fund to be utilized for the purposes of funding the new Green Bay Convention and Visitors Bureau Visitors Center.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Consider adoption of Resolution: Military Service Employee Protection Act Emergency Amendments

3. Supporting Materials

Report Resolution Contract

Other:

1.

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4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member


Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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: April 20, 2018
 RE: Military Service Employee Protection Act Emergency Amendments

Please find the following attached backup documentation for your consideration of the Military Service Employee Protection Act Emergency Amendments:

1. Resolution: Military Service Employee Protection Act Emergency Amendments
2. Statement of Effect: Military Service Employee Protection Act Emergency Amendments
3. Military Service Employee Protection Act Emergency Amendments Legislative Analysis
4. Military Service Employee Protection Act (Redline)
5. Military Service Employee Protection Act (Clean)

Overview

Emergency amendments to the Military Service Employee Protection Act (the “Law”) are requested in order to address the dissolution of the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary – Trial Court.

The Oneida Business Committee can temporarily enact legislation when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and when the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5].

The emergency amendments to this Law are necessary for the preservation of the general welfare of the reservation population, in an effort to ensure that employees of the Nation have due process rights in the absence of the Personnel Commission. Additionally, observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee, and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Requested Action

Approve the Resolution: Military Service Employee Protection Act Emergency Amendments.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____

Military Service Employee Protection Act Emergency Amendments

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WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Military Service Employee Protection Act (“the Law”) was adopted by the Oneida Business Committee through resolution BC-10-24-07-E; and

WHEREAS, the Law intends to minimize the disruption to the lives of employees of the Nation serving in the military as well as to the Nation by providing for the prompt reemployment of such persons upon completion of such service, and prohibits discrimination against people because they serve in the military; and

WHEREAS, the Law currently contains references to the Personnel Commission’s employee grievance and disciplinary action hearing authority in regards to enforcement of employment or reemployment rights; and

WHEREAS, the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and

WHEREAS, resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and

WHEREAS, resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and

WHEREAS, the emergency amendments to the Law replace any reference to the Personnel Commission with a reference to the Trial Court, and provides a definition for Trial Court; and

42 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
43 legislation on an emergency basis, to be in effect for a period of six (6) months,
44 renewable for an additional six (6) months; and
45

46 **WHEREAS,** the emergency adoption of these amendments to the Law are necessary for the
47 preservation of the public health, safety, or general welfare of the reservation population
48 in order to ensure that the general welfare and due process rights of employees of the
49 Nation are preserved in absence of the Personnel Commission; and
50

51 **WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for
52 adoption of this amendment would be contrary to public interest; and
53

54 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact
55 statement when considering emergency legislation.
56

57 **NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Military Service
58 Employee Protection Act are hereby adopted on an emergency basis and shall become effective
59 immediately.



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



Statement of Effect

Military Service Employee Protection Act Emergency Amendments

Summary

This Resolution adopts emergency amendments to the Military Service Employee Protection Act which would replace any reference to the Personnel Commission with a reference to the Trial Court, and provides a definition for Trial Court.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 20, 2018

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Military Service Employee Protection Act (“the Law”). The Law was adopted by the Oneida Business Committee on October 24, 2007, through resolution BC-10-24-17-E. The Law intends to minimize the disruption to the lives of employees of the Nation serving in the military as well as to the Nation by providing for the prompt reemployment of such persons upon completion of such service, and prohibits discrimination against people because they serve in the military.

Currently, the Law contains references to the Personnel Commission’s employee grievance and disciplinary action hearing authority in regards to enforcement of employment or reemployment rights.

On April 11, 2018, the Oneida Business Committee dissolved the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary in an effort to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation. The Oneida Business Committee felt it was now appropriate to begin consolidating employment related grievance hearings into the Judiciary as the number of current cases in the Personnel Commission was low and the costs of maintaining judicial hearing authorities continues to increase.

Oneida Business Committee resolution BC-04-11-18-A also requires that the Legislative Operating Committee develop and present emergency legislative amendments to fully address the impact of this resolution to the next Oneida Business Committee meeting. This resolution states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority.

The emergency amendments to the Law replace any reference to the Personnel Commission with a reference to the Trial Court, and also provide a definition for Trial Court.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is “necessary for the immediate preservation of the public health, safety or general welfare of the reservation population” and when “enactment or amendment of legislation is required sooner than would be possible under the Legislative Procedures Act.” [1 O.C. 109.9-5].

The emergency amendments to this Policy are necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved in the absence of the Personnel Commission. Additionally, observance of the adoption requirements under the LPA for adoption of this amendment would be contrary to public interest. Through the resolution BC-04-11-18-A, the Oneida Business Committee has issued a finding of an emergency and has stated the necessity for approving emergency amendments to this Policy.

The emergency amendments to the Military Service Employee Protection Act will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

Adoption of this Resolution would not conflict with any of the Nation’s laws.



Emergency Amendments to Military Service Employee Protection Act Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: OBC	SPONSOR: David Jordan	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	The intent of the amendments is to transfer the Personnel Commission's responsibilities under this law to the Oneida Judiciary Trial Court.		
Purpose	The purpose of the Military Service Employee Protection Act is to minimize disruption of the lives of Tribal employees serving in the military, to provide for prompt reemployment of these individuals upon completion of their service, and to prevent discrimination against people who serve in the military <i>[see Military Service Employee Protection Act, 2 O.C. 213.1-1]</i> .		
Affected Entities	Oneida Judiciary, Oneida Human Resources Department, Oneida Personnel Commission, all Oneida Nation employees who serve in the military.		
Affected Legislation	Military Service Employee Protection Act.		
Enforcement/Due Process	Individuals denied employment or reemployment under this law may file a complaint with their area manager and appeal the area manager's decision to the Trial Court <i>[see Military Service Employee Protection Act, 2 O.C. 213.11]</i>		
Public Meeting	A public hearing is not required for emergency legislation.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
2 **A.** On April 11, 2018, the Oneida Business Committee dissolved the Oneida Personnel Commission and
3 directed that the Commission's hearing authority be transferred to the Oneida Judiciary. The OBC
4 directed the LOC to draft emergency amendments to address the impact of this resolution and placed
5 the commission's pending cases on hold until emergency amendments are adopted *[see BC*
6 *Resolution 04-11-18-A]*. On the same day, the Oneida Business Committee created the Personnel
7 Selection Committee to assume the Personnel Commission's responsibilities related to job screening
8 and interviews. *[see BC Resolution 04-11-18-B]*.
- 9 **B.** References to the Personnel Commission appear in several of the Nation's laws. Now that the
10 Personnel Commission is dissolved, amendments are necessary to transfer the Personnel
11 Commission's responsibilities to the Oneida Judiciary or to the newly created Personnel Selection
12 Committee.
- 13 **C.** These emergency amendments ensure that the Nation's employees who serve in the military will
14 continue to have an avenue to appeal their cases under this law.
15

SECTION 3. CONSULTATION

- 16 **A.** The Judiciary Law, Personnel Policies and Procedures, Employee Protection Policy, and Military
17 Service Employee Protection Act were reviewed in drafting this analysis.
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- 19 **B.** Personnel Commission staff were consulted regarding the number of pending cases and filing fees.
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39**SECTION 4. PROCESS**

- A. This amendment is being considered on an emergency basis. The Oneida Business Committee may temporarily enact an emergency law where legislation is necessary for the immediate preservation of public health, safety, or general welfare of the reservation population and enactment or amendment of legislation is required sooner than would be possible under this law [*see Legislative Procedures Act, 1 O.C. 109.9-5*].
- B. Through resolution BC-04-11-18-A, the OBC has issued a finding of an emergency and has stated the necessity for approving emergency amendments to this law. Emergency amendments to this law are necessary for the preservation of the general welfare of the reservation population, in an effort to ensure that employees of the Nation have due process rights in the absence of the Personnel Commission.
- C. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; however they will be required when considering permanent adoption of this amendment. Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period.
- D. This law was originally added to the Active Files List on 12/20/2017 and reclassified as emergency amendments on 4/18/2018.

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59**SECTION 5. CONTENTS OF THE LEGISLATION**

- A. **Removal of Personnel Commission from Appeals Process.** The appeals process in this law has been revised to remove references to the Oneida Personnel Commission and replace them with the Trial Court:
- i. *Definitions.* A definition for “Trial Court” has been added. [*see Military Service Employee Protection Act, 2 O.C. 213.3(j)*].
 - ii. If the area manager does not resolve a complaint within ten (10) working days, an individual may now take their complaint to the Trial Court, rather than the Personnel Commission [*see Military Service Employee Protection Act, 2 O.C. 213.11-5*].
 - iii. If an employee appeals the area manager’s decision under this law, the appeal must now be filed with the Trial Court instead of the Personnel Commission [*see Military Service Employee Protection Act, 2 O.C. 213.11-6*].
 - iv. The Trial Court, rather than the Personnel Commission, must notify the Human Resources Department within one (1) business day when an employee files an appeal [*see Military Service Employee Protection Act, 2 O.C. 213.11-6*].
 - v. The Trial Court, rather than the Personnel Commission, may award relief by requiring the Nation to comply with the provisions of this law or by requiring the Nation to compensate for any back pay or loss of benefits [*see Military Service Employee Protection Act, 2 O.C. 213.11-7*].

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63**SECTION 6. EFFECT ON EXISTING LEGISLATION**

- A. As a result of the dissolution of the Personnel Commission and creation of the Personnel Selection Committee, the following laws must also be amended to remove references to the Personnel Commission:

- 64 i. Oneida Personnel Policies and Procedures
- 65 ii. Oneida Employee Protection Policy
- 66 iii. Oneida Judiciary Rules of Civil Procedure

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68 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR**

69 **OBLIGATIONS**

- 70 **A. *Pending Cases.*** Five cases are currently pending before the Personnel Commission. These cases
71 have been placed on hold until amendments to this and related laws have been adopted. Any
72 timelines associated with these cases have also been placed on hold. At the time this analysis was
73 drafted, it is not known how many of these pending cases involve the Military Service Employee
74 Protection Act. Upon adoption, these pending cases and all future cases will be transferred to the
75 Oneida Judiciary Trial Court. The Business Committee's resolution indicates that the Judiciary has
76 been notified and is prepared to accept these responsibilities [*see BC Resolution 04-11-18-A*].
- 77 **B. *Trial Court Filing Fees.*** The Personnel Commission did not charge filing fees for their services. The
78 Trial Court, however, charges a \$50 filing fee for general civil cases. Therefore, individuals may now
79 be required to pay filing fees in order to have their cases heard under this law.
- 80 i. *Fee Waiver.* If individuals are unable to pay the filing fee, they may request a fee waiver from
81 the court for the following reasons: Unemployed, Health/Medical, Indigent (below poverty
82 level), or "other reasons."

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Title 2. Employment – Chapter 213
MILITARY SERVICE EMPLOYEE PROTECTION ACT

213-1. Purpose and Policy	213-7. Reemployment Positions
213-2. Adoption, Amendment, Repeal	213-8. Benefits of Persons Absent from Employment for Military Service
213-3. Definitions	213-9. Health Plans
213-4. Character of Service	213-10. Retirement Plans
213-5. Discrimination Against Persons Who Serve in the Military Prohibited	213-11. Enforcement of Employment or Reemployment Rights
213-6. Reemployment Rights of Persons who Serve in the Military	

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213.1. Purpose and Policy

213.1-1. *Purpose.* The purposes of this law are:

- (a) to minimize the disruption to the lives of Tribal employees serving in the military as well as to the Tribe by providing for the prompt reemployment of such persons upon completion of such service; and
- (b) to prohibit discrimination against people because they serve in the military.

213.1-2. *Policy.* It is the policy of the Oneida Tribe to reemploy persons who return from military service in the same position, or a substantially similar position, of employment the person held prior to leaving for military service.

213.2. Adoption, Amendment, Repeal

213.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-24-07-
E and emergency amended by BC- - - -.

213.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

213.2-3. 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.

213.2-4. Any law, policy, regulation, rule, resolution, or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

213.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

213.3. Definitions

213.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) AArea Manager® means the supervisor of the supervisor of an employee who is protected under this law, or, in other words, two levels of supervision in the chain of command above the protected employee, or an individual designated to be the Area Manager by the Division Director (or, in divisions where there is no director, the General Manager) and approved by the Human Resources Department Manager (or designee).
- (b) ABenefit® means any advantage, profit, privilege, gain, or interest (other than wages or salary) that accrues by reason of an employment agreement or an employer policy, plan, or practice and includes rights and benefits under a retirement plan, a health plan, insurance

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39 coverage, incentives, unemployment benefits, vacations, and the opportunity to select work
40 hours or location of employment.

41 (c) AEmployee@ means any person employed by the Oneida Tribe.

42 (d) AHealth plan@ means an insurance policy or contract or other arrangement under which
43 health services for individuals are provided or the expenses of such services are paid.

44 (e) AMilitary@ means the Armed Forces, the Army National Guard and the Air National
45 Guard when engaged in active duty for training, inactive duty training, or full-time
46 National Guard duty, the commissioned corps of the Public Health Service, and any other
47 category of persons designated by the President in time of war or national emergency.

48 (f) AQualified,@ with respect to an employment position, means having the ability to
49 perform the essential tasks of the position.

50 (g) AReasonable efforts@, in the case of actions required of the Tribe under this law, means
51 actions, including providing training, that do not place an undue hardship on the Tribe.

52 (h) ASeniority@ means longevity in employment together with any benefits of employment
53 which accrue with, or are determined by, longevity in employment.

54 (i) AService@ or Aservice in the military@ means the performance of duty on a voluntary or
55 involuntary basis in a branch of the military and includes active duty, active duty for
56 training, initial active duty for training, inactive duty training, full-time National Guard
57 duty, the time a person is absent from a position of employment for the purpose of an
58 examination to determine the fitness of the person to perform any such duty, and the period
59 for which a person is absent from employment for the purpose of performing funeral
60 honors duty.

61 (j) “Trial Court” means the Court of the Oneida Judiciary where evidence and testimony
62 are first introduced, received, and considered. The Oneida Judiciary was established by
63 Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial
64 authorities and responsibilities of the Nation.

65 (jk) ATribe@ means the Oneida Tribe of Indians of Wisconsin as employer through its
66 divisions, departments, programs, enterprises or other subdivisions of the Tribe.

67 (kl) AUndue hardship@, in the case of actions taken by the Tribe, means actions requiring
68 significant difficulty or expense, when considered in light of:

69 (1) the nature and cost of the action needed under this Law;

70 (2) the overall financial resources of the department involved in the provision of
71 the action; the number of persons employed within the department; the effect on
72 expenses and resources, or the overall impact of such action upon the operation of
73 the department;

74 (3) the financial resources of the Tribe; the size of the Tribe with respect to how
75 many employees and departments it has; and

76 (4) the type of operation(s) of the Tribe, including the composition, structure, and
77 functions of the work force of its departments.

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79 **213.4. Character of Service**

80 213.4-1. Those who serve in the military are ineligible to receive benefits under this law if they:

81 (a) receive a dishonorable discharge or a bad conduct discharge; or

82 (b) receive a dismissal from a general court-martial, or by order of the President; or

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- 83 (c) are dropped from the rolls because they have been:
84 (1) absent without authority for at least three months; or
85 (2) sentenced by a court-martial to confinement for more than six (6) months and
86 have served at least six (6) months; or
87 (3) sentenced to confinement in a penitentiary or correctional institution after
88 having been found guilty of an offense by a court other than a court-martial or
89 other military court, and whose sentence has become final.
90

91 **213.5. Discrimination Against Persons Who Serve in the Military Prohibited**

92 213.5-1. The Tribe shall not deny employment, reemployment, retention in employment,
93 promotion, or any benefit of employment on the basis of a person's membership, application for
94 membership, performance of service, application for service, or obligation to perform service in
95 the military.

96 213.5-2. The Tribe may not discriminate in employment against or take any adverse
97 employment action against anyone because such person has exercised a right or taken an action
98 to enforce a protection afforded under this law, has testified or otherwise made a statement in or
99 in connection with any proceeding under this law, or has participated in an investigation under
100 this law.

101 213.5-3. The Tribe shall not be considered to have engaged in a prohibited action if the same
102 action would have been taken regardless of an employee's military status.

103 213.5-4. Sections 213.5-1 and 213.5-2 shall apply to any position of employment, including a
104 position that is described in 213.6-4(c).
105

106 **213.6. Reemployment Rights of Persons Who Serve in the Military**

107 213.6-1. Any person who takes a leave of absence from an employment position to serve in the
108 military shall be entitled to the reemployment benefits and other employment benefits of this law
109 if:

- 110 (a) the Tribe receives advance written notice of such service as soon as practicable after
111 the employee receives notice;
112 (b) the cumulative length of the absence and of all previous absences with the Tribe by
113 reason of service in the military does not exceed five (5) years; and
114 (c) except as provided in 213.6-6, the person reports to the Tribe in accordance with 213.6-
115 5.

116 213.6-2. No notice is required under 213.6-1(a) if it is precluded by military necessity or,
117 under all of the relevant circumstances, the giving of notice is otherwise impossible or
118 unreasonable.

119 213.6-3. When calculating the length of absence under 213.6-1(b) the Tribe shall not include
120 any service:

- 121 (a) that is required, beyond five (5) years, to complete an initial period of obligated
122 service;
123 (b) during which such person was unable to obtain orders releasing such person from a
124 period of service in the military before the expiration of such five (5) year period and such
125 inability was through no fault of such person;
126 (c) performed as required pursuant to training requirements for reservists and National

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- 127 Guard members;
- 128 (d) performed by a member of the military service who is:
- 129 (1) ordered to or retained on active duty involuntarily during domestic emergency
- 130 or national security related situations;
- 131 (2) ordered to or retained on active duty under any provision of law because of a
- 132 war or national emergency declared by the President of the United States or the
- 133 Congress;
- 134 (3) ordered to active duty in support of an Aoperational mission@, without his or
- 135 her consent;
- 136 (4) ordered to active duty in support of a Acritical mission or requirement@ in
- 137 times other than war or national emergency and when no involuntary call up is in
- 138 effect; or
- 139 (5) called into Federal service by the President as a member of the National
- 140 Guard to suppress an insurrection, repel an invasion, or execute the laws of the
- 141 United States.
- 142 213.6-4. *Tribe=s Right to Not Reemploy.* The Tribe is not required to reemploy a person under
- 143 this law if:
- 144 (a) circumstances have so changed as to make such reemployment impossible or
- 145 unreasonable;
- 146 (b) in the case of a person entitled to reemployment under 213.7-1(c), (d), or 213.7-2, such
- 147 employment would impose an undue hardship on the Tribe; or
- 148 (c) the employment from which the person leaves is for a brief, nonrecurrent period (i.e.
- 149 seasonal, temporary, limited term) and there is no reasonable expectation that such
- 150 employment will continue indefinitely or for a significant period.
- 151 (d) the Tribe shall have the burden of proving the impossibility or unreasonableness, undue
- 152 hardship, or the brief or nonrecurrent nature of the employment.
- 153 213.6-5. Except as provided under 213.6-6, an employee referred to in 213.6-1 shall notify the
- 154 Tribe of the person=s intent to return to a position of employment within ninety (90) days of
- 155 separation of active duty service and within thirty-one (31) days from completion of training for
- 156 reservists. The Tribe shall, as soon as practicable after receiving notice, make arrangements with
- 157 the employee for an employment return date.
- 158 213.6-6. A person who is hospitalized for, or recovering from, an illness or injury incurred in,
- 159 or aggravated during, the performance of service in the military shall, at the end of the period
- 160 that is necessary for the person to recover from such illness or injury notify the Tribe of the
- 161 person=s intent to return to a position of employment. Such period of recovery may not exceed
- 162 two (2) years, unless the minimum time required to accommodate the circumstances beyond such
- 163 person=s control is longer than two years, making reporting within the period specified
- 164 impossible or unreasonable.
- 165 213.6-7. A person who fails to report for reemployment within the appropriate period shall not
- 166 automatically forfeit such person=s entitlement to the benefits referred to in section 213.6-1 but
- 167 shall be subject to the Tribe=s policies and procedures pertaining to discipline with respect to
- 168 absence from scheduled work.
- 169 213.6-8. A person who has notified the Tribe of the person=s intent to return to a position of
- 170 employment in accordance with section 213.6-5 shall, upon the request of the Tribe, provide

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171 documentation to establish that:

- 172 (a) the notification is timely;
- 173 (b) the time limits in section 213.6-1(b) have not been exceeded, except as permitted under
- 174 section 213.6-3; and
- 175 (c) the person=s entitlement to benefits has not been terminated pursuant to section 213.4.

176 213.6-9. The timing, frequency, and duration of a person=s training or service, or the nature of

177 such training or service (including voluntary service) in the military, shall not be a basis for

178 denying protection of this law if the service does not exceed the limitations set forth under

179 section 213.6-3 and the notice and notification requirements established in this section are met.

180 213.6-10. The Human Resources Department shall inform employees of their rights, benefits,

181 and obligations under this law and shall provide assistance to employees with respect to the

182 employment and reemployment benefits to which they are entitled under this law.

183

184 **213.7. Reemployment Positions**

185 213.7-1. A person entitled to reemployment under section 213.6 shall be promptly reemployed

186 in a position of employment in accordance with the following order of priority:

- 187 (a) In the case of a person whose period of service in the military was for less than ninety-
- 188 one (91) days:

189 (1) in the position which the person would have been employed if the continuous

190 employment of such person had not been interrupted by such service, the duties of

191 which the person is qualified to perform; or

192 (2) in the position which the person was employed on the date of the

193 commencement of the service in the military, only if the person is not qualified to

194 perform the duties of the position referred to under section 213.7-1(a)(1) after

195 reasonable efforts by the Tribe to qualify the person.

- 196 (b) In the case of a person whose period of service in the military was for more than ninety
- 197 (90) days:

198 (1) in the position which the person would have been employed if the continuous

199 employment of such person had not been interrupted by such service, or a position

200 of like seniority, status and pay, the duties of which the person is qualified to

201 perform; or

202 (2) in the position which the person was employed on the date of the

203 commencement of the service, or a position of like seniority, status and pay, the

204 duties of which the person is qualified to perform, only if the person is not

205 qualified to perform the duties of the position referred to under section 213.7-

206 1(b)(1) after reasonable efforts by the Tribe to qualify the person.

- 207 (c) In the case of a person who has a disability incurred in, or aggravated during, service,
- 208 and after reasonable efforts by the Tribe to accommodate the disability, is not qualified due
- 209 to such disability to be employed in the position of employment in which the person would
- 210 have been employed if the continuous employment of such person with the Tribe had not
- 211 been interrupted by such service:

212 (1) in any other position which is equivalent in seniority, status, and pay, the

213 duties of which the person is qualified to perform or can become qualified to

214 perform with reasonable efforts by the Tribe; or

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215 (2) in a position which is the nearest approximation to a position referred to in (1)
216 in terms of seniority, status, and pay consistent with such person=s case.

217 (d) In the case of a person who is not qualified to become reemployed under 213.7-1(a) -
218 (c) and cannot become qualified, even with reasonable efforts by the Tribe, in any other
219 position which is the nearest approximation to a position which such person is qualified to
220 perform, with full seniority.

221 213.7-2. If two or more persons are entitled to reemployment in the same position and more than
222 one of them has reported for reemployment, the person who left the position first shall have the
223 prior right to reemployment in that position.

224 213.7-3. A person entitled to reemployment who is not reemployed because of section 213.7-2
225 shall be entitled to reemployment in any other position referred to in section 213.7-1, remaining
226 consistent with the circumstances of such person=s case, in the order of priority set out in the
227 appropriate section, with full seniority.
228

229 **213.8. Benefits of Persons Absent from Employment for Military Service**

230 | 213.8-1. A person who is reemployed under this law is entitled to the seniority and other
231 benefits determined by seniority that the person had on the date of the commencement of service
232 in the military plus the additional seniority and benefits that such person would have attained if
233 the person had remained continuously employed.

234 213.8-2. A person who is absent from a position of employment by reason of service in the
235 military shall be:

- 236 (a) deemed to be on a leave of absence while performing such service; and
237 (b) entitled to other benefits not determined by seniority as are generally provided by the
238 Tribe to employees having similar seniority, status, and pay who are on leave of absence
239 under a contract, agreement, policy, practice, or plan in effect at the commencement of
240 such service or established while such person performs such service.

241 213.8-3. A person who

- 242 (a) is absent from an employment position because of service in the military, and
243 (b) knowingly provides written notice of intent not to return to a position of employment
244 after service in the military, is not entitled to benefits under this section.

245 The Tribe has the burden of proving that a person knowingly provided written notice of intent
246 not to return to a position after service in the military and was aware of the specific benefits to be
247 lost.

248 213.8-4. A person on leave of absence for military service shall not be entitled to any benefits to
249 which the person would not otherwise be entitled if the person had remained continuously
250 employed.

251 213.8-5. A person may be required to pay the Tribe=s cost, if any, of any funded benefit
252 continued to the extent other employees on leave of absence are so required.

253 213.8-6. A person who is reemployed under this law shall only be terminated in accordance with
254 the Oneida Personnel Policies and Procedures.

255 213.8-7. Any person whose employment is interrupted by military service shall be permitted to
256 use, during such period of service, any vacation or personal time accrued by the person before
257 the commencement of such service. The Tribe may not require any person to use vacation or
258 personal time during such period of service.

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259 213.8-8. The Tribe shall grant an employee who is a reserve member an unpaid temporary leave
260 of absence in order to perform funeral honors duty. Employees may use vacation or personal
261 time to perform funeral honors duty if eligible.
262

263 **213.9. Health Plans**

264 213.9-1. If a person, or a person=s dependents, has coverage under a health plan through the
265 Tribe and such person is on a leave of absence for military service, the plan shall provide that the
266 coverage may be continued. The maximum period of coverage of a person and the person=s
267 dependents shall be the lesser of:

268 (a) the eighteen (18) month period beginning on the date on which the person=s absence
269 begins; or

270 (b) the day after the date on which the person fails to return to a position of employment,
271 as determined under section 213.6-5.

272 213.9-2. A person who elects to continue health-plan coverage may be required to pay not more
273 than the amount paid by other employees who take a leave of absence, except that in the case of
274 a person who serves in the military for less than thirty-one (31) days, such person may not be
275 required to pay more than the employee share, if any, for such coverage.

276 213.9-3. If a person=s health plan is terminated by reason of military service, an exclusion or
277 waiting period may not be imposed in connection with the reinstatement of such coverage upon
278 reemployment if an exclusion or waiting period would not have been imposed had coverage of
279 such person not been terminated as a result of such service.

280 (a) This shall apply to the person who is reemployed and to his or her dependents who are
281 covered under the plan with the reinstatement of coverage of such person.

282 (b) This shall not apply to the coverage of any illness or injury incurred in, or aggravated
283 during, performance of service in the military.
284

285 **213.10. Retirement and Pension Plans**

286 213.10-1. Each period served by a person in the military shall, upon reemployment, be deemed
287 to constitute service for the purpose of determining the nonforfeitability of the person=s accrued
288 benefits and for the purpose of determining the accrual of benefits under a retirement or pension
289 plan.

290 (a) When a person is absent from a position of employment for more than ninety (90) days
291 and is reemployed, the Tribe may require documentation before treating the person as not
292 having incurred a break in service for retirement or pension plan purposes under this
293 section.

294 213.10-2. A person reemployed under this law shall be entitled to accrued benefits that are
295 contingent on the making of, or derived from, employee contributions or elective deferrals if the
296 person makes payment to a retirement or pension plan with respect to such contributions or
297 deferrals. If the employee makes up the contributions, the Tribe shall make up any required
298 matching contributions. No such payment may exceed the amount the person would have been
299 permitted or required to contribute had the person remained continuously employed by the Tribe
300 throughout the period of service. Any payment to a retirement or pension plan shall be made
301 during the period beginning with the date of reemployment and whose duration is three (3) times
302 the period of the person=s service in the military, such payment period not to exceed five (5)

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303 years.

304 213.10-3. For purposes of computing the Tribe's liability or the employee's contributions, the
305 employee's compensation during the period of service shall be computed:

306 (a) at the rate the employee would have received but for the period of service;

307 (b) in the case that the determination of such rate is not reasonably certain, on the basis of
308 the employee's average rate of compensation during the twelve (12) month period
309 immediately preceding such period (or, if shorter, the period of employment immediately
310 preceding such period).

311 213.10-4. *Pension Plan.* When a person who participates in a pension plan is reemployed after a
312 period of military service, the Tribe shall be liable to the pension plan for funding any obligation
313 to provide the benefits the employee would have received had they not taken a leave of absence.
314 The Tribe shall allocate the amount of the Tribal contribution for the person in the same manner
315 and to the same extent the allocation occurred for other employees eligible for the pension plan
316 during the period of service. For purposes of determining the amount of such liability and any
317 obligation of the pension plan, earnings and forfeitures shall not be included.

318

319 **213.11. Enforcement of Employment or Reemployment Rights**

320 213.11.1. The Tribe shall notify, in writing, any person who has been denied employment,
321 reemployment, or benefits under this law.

322 213.11-2. A person may file a complaint whenever such person claims that:

323 | (a) he or she is entitled to employment or reemployment rights or benefits with respect to
324 employment by the Tribe; or

325 (b) the Tribe has failed or refused to comply with the provisions of this law.

326 213.11-3. Such complaint shall be in writing, contain a summary of the allegations that form the
327 basis for the complaint and be filed with the person's area manager and the Oneida Human
328 Resources Manager (or designee) within ten (10) working days from the day the person received
329 a denial of employment and/or benefits by the Tribe .

330 213.11-4. If the area manager determines that the action alleged in such complaint occurred, the
331 area manager shall attempt to resolve the complaint by making reasonable efforts to ensure that
332 the person or entity named in the complaint complies with the provisions of this law.

333 213.11-5. If the efforts of the area manager do not resolve the complaint within ten (10) working
334 days from the receipt of the employee's complaint, the complainant shall be notified of the
335 results of the area manager's investigation and the complainant's entitlement to refer the
336 | complaint to the ~~Oneida Personnel Commission~~Trial Court. One extension of no more than five
337 (5) working days may be requested of and granted by the Oneida Human Resources Manager (or
338 designee) at his or her discretion.

339 213.11-6. If an employee appeals the area manager's decision, the appeal must be filed with the
340 | ~~Oneida Personnel Commission~~Trial Court within ten (10) working days of the employee's
341 | receipt of the Area Manager's decision. The ~~Commission~~Trial Court shall notify the Human
342 Resources Manager (or designee) within one (1) business day when an employee files an appeal.

343 213.11-7. *Remedies.* In any action relating to this law, relief may be awarded as follows:

344 (a) Require the Tribe to comply with the provisions of this law; and/or

345 (b) Require the Tribe to compensate the person for any loss of wages or benefits suffered
346 by reason of the Tribe's failure to comply with the provisions of this law.

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347 213.11-8. Any compensation awarded shall be in addition to, and shall not diminish, any of the
348 other benefits provided for under this law.

349
350 *End.*

352
353 | Adopted - BC-10-24-07-E
354 | Emergency Amended – BC- - - - -

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Title 2. Employment – Chapter 213
MILITARY SERVICE EMPLOYEE PROTECTION ACT

<p>213-1. Purpose and Policy</p> <p>213-2. Adoption, Amendment, Repeal</p> <p>213-3. Definitions</p> <p>213-4. Character of Service</p> <p>213-5. Discrimination Against Persons Who Serve in the Military Prohibited</p> <p>213-6. Reemployment Rights of Persons who Serve in the Military</p>	<p>213-7. Reemployment Positions</p> <p>213-8. Benefits of Persons Absent from Employment for Military Service</p> <p>213-9. Health Plans</p> <p>213-10. Retirement Plans</p> <p>213-11. Enforcement of Employment or Reemployment Rights</p>
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213.1. Purpose and Policy

213.1-1. *Purpose.* The purposes of this law are:

(a) to minimize the disruption to the lives of Tribal employees serving in the military as well as to the Tribe by providing for the prompt reemployment of such persons upon completion of such service; and

(b) to prohibit discrimination against people because they serve in the military.

213.1-2. *Policy.* It is the policy of the Oneida Tribe to reemploy persons who return from military service in the same position, or a substantially similar position, of employment the person held prior to leaving for military service.

213.2. Adoption, Amendment, Repeal

213.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-24-07-E and emergency amended by BC-__-__-__-__.

213.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

213.2-3. 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.

213.2-4. Any law, policy, regulation, rule, resolution, or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

213.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

213.3. Definitions

213.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) AArea Manager® means the supervisor of the supervisor of an employee who is protected under this law, or, in other words, two levels of supervision in the chain of command above the protected employee, or an individual designated to be the Area Manager by the Division Director (or, in divisions where there is no director, the General Manager) and approved by the Human Resources Department Manager (or designee).

(b) ABenefit® means any advantage, profit, privilege, gain, or interest (other than wages or salary) that accrues by reason of an employment agreement or an employer policy, plan, or practice and includes rights and benefits under a retirement plan, a health plan, insurance

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39 coverage, incentives, unemployment benefits, vacations, and the opportunity to select work
40 hours or location of employment.

41 (c) AEmployee@ means any person employed by the Oneida Tribe.

42 (d) AHealth plan@ means an insurance policy or contract or other arrangement under which
43 health services for individuals are provided or the expenses of such services are paid.

44 (e) AMilitary@ means the Armed Forces, the Army National Guard and the Air National
45 Guard when engaged in active duty for training, inactive duty training, or full-time
46 National Guard duty, the commissioned corps of the Public Health Service, and any other
47 category of persons designated by the President in time of war or national emergency.

48 (f) AQualified,@ with respect to an employment position, means having the ability to
49 perform the essential tasks of the position.

50 (g) AReasonable efforts@, in the case of actions required of the Tribe under this law, means
51 actions, including providing training, that do not place an undue hardship on the Tribe.

52 (h) ASeniority@ means longevity in employment together with any benefits of employment
53 which accrue with, or are determined by, longevity in employment.

54 (i) AService@ or Aservice in the military@ means the performance of duty on a voluntary or
55 involuntary basis in a branch of the military and includes active duty, active duty for
56 training, initial active duty for training, inactive duty training, full-time National Guard
57 duty, the time a person is absent from a position of employment for the purpose of an
58 examination to determine the fitness of the person to perform any such duty, and the period
59 for which a person is absent from employment for the purpose of performing funeral
60 honors duty.

61 (j) “Trial Court” means the Court of the Oneida Judiciary where evidence and testimony
62 are first introduced, received, and considered. The Oneida Judiciary was established by
63 Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial
64 authorities and responsibilities of the Nation.

65 (k) ATribe@ means the Oneida Tribe of Indians of Wisconsin as employer through its
66 divisions, departments, programs, enterprises or other subdivisions of the Tribe.

67 (l) AUndue hardship@, in the case of actions taken by the Tribe, means actions requiring
68 significant difficulty or expense, when considered in light of:

69 (1) the nature and cost of the action needed under this Law;

70 (2) the overall financial resources of the department involved in the provision of
71 the action; the number of persons employed within the department; the effect on
72 expenses and resources, or the overall impact of such action upon the operation of
73 the department;

74 (3) the financial resources of the Tribe; the size of the Tribe with respect to how
75 many employees and departments it has; and

76 (4) the type of operation(s) of the Tribe, including the composition, structure, and
77 functions of the work force of its departments.

78

79 **213.4. Character of Service**

80 213.4-1. Those who serve in the military are ineligible to receive benefits under this law if they:

81 (a) receive a dishonorable discharge or a bad conduct discharge; or

82 (b) receive a dismissal from a general court-martial, or by order of the President; or

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- 83 (c) are dropped from the rolls because they have been:
84 (1) absent without authority for at least three months; or
85 (2) sentenced by a court-martial to confinement for more than six (6) months and
86 have served at least six (6) months; or
87 (3) sentenced to confinement in a penitentiary or correctional institution after
88 having been found guilty of an offense by a court other than a court-martial or
89 other military court, and whose sentence has become final.
90

91 **213.5. Discrimination Against Persons Who Serve in the Military Prohibited**

92 213.5-1. The Tribe shall not deny employment, reemployment, retention in employment,
93 promotion, or any benefit of employment on the basis of a person's membership, application for
94 membership, performance of service, application for service, or obligation to perform service in
95 the military.

96 213.5-2. The Tribe may not discriminate in employment against or take any adverse
97 employment action against anyone because such person has exercised a right or taken an action
98 to enforce a protection afforded under this law, has testified or otherwise made a statement in or
99 in connection with any proceeding under this law, or has participated in an investigation under
100 this law.

101 213.5-3. The Tribe shall not be considered to have engaged in a prohibited action if the same
102 action would have been taken regardless of an employee's military status.

103 213.5-4. Sections 213.5-1 and 213.5-2 shall apply to any position of employment, including a
104 position that is described in 213.6-4(c).
105

106 **213.6. Reemployment Rights of Persons Who Serve in the Military**

107 213.6-1. Any person who takes a leave of absence from an employment position to serve in the
108 military shall be entitled to the reemployment benefits and other employment benefits of this law
109 if:

- 110 (a) the Tribe receives advance written notice of such service as soon as practicable after
111 the employee receives notice;
112 (b) the cumulative length of the absence and of all previous absences with the Tribe by
113 reason of service in the military does not exceed five (5) years; and
114 (c) except as provided in 213.6-6, the person reports to the Tribe in accordance with 213.6-
115 5.

116 213.6-2. No notice is required under 213.6-1(a) if it is precluded by military necessity or,
117 under all of the relevant circumstances, the giving of notice is otherwise impossible or
118 unreasonable.

119 213.6-3. When calculating the length of absence under 213.6-1(b) the Tribe shall not include
120 any service:

- 121 (a) that is required, beyond five (5) years, to complete an initial period of obligated
122 service;
123 (b) during which such person was unable to obtain orders releasing such person from a
124 period of service in the military before the expiration of such five (5) year period and such
125 inability was through no fault of such person;
126 (c) performed as required pursuant to training requirements for reservists and National

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127 Guard members;

128 (d) performed by a member of the military service who is:

129 (1) ordered to or retained on active duty involuntarily during domestic emergency
130 or national security related situations;

131 (2) ordered to or retained on active duty under any provision of law because of a
132 war or national emergency declared by the President of the United States or the
133 Congress;

134 (3) ordered to active duty in support of an Aoperational mission@, without his or
135 her consent;

136 (4) ordered to active duty in support of a Acritical mission or requirement@ in
137 times other than war or national emergency and when no involuntary call up is in
138 effect; or

139 (5) called into Federal service by the President as a member of the National
140 Guard to suppress an insurrection, repel an invasion, or execute the laws of the
141 United States.

142 213.6-4. *Tribe=s Right to Not Reemploy.* The Tribe is not required to reemploy a person under
143 this law if:

144 (a) circumstances have so changed as to make such reemployment impossible or
145 unreasonable;

146 (b) in the case of a person entitled to reemployment under 213.7-1(c), (d), or 213.7-2, such
147 employment would impose an undue hardship on the Tribe; or

148 (c) the employment from which the person leaves is for a brief, nonrecurrent period (i.e.
149 seasonal, temporary, limited term) and there is no reasonable expectation that such
150 employment will continue indefinitely or for a significant period.

151 (d) the Tribe shall have the burden of proving the impossibility or unreasonableness, undue
152 hardship, or the brief or nonrecurrent nature of the employment.

153 213.6-5. Except as provided under 213.6-6, an employee referred to in 213.6-1 shall notify the
154 Tribe of the person=s intent to return to a position of employment within ninety (90) days of
155 separation of active duty service and within thirty-one (31) days from completion of training for
156 reservists. The Tribe shall, as soon as practicable after receiving notice, make arrangements with
157 the employee for an employment return date.

158 213.6-6. A person who is hospitalized for, or recovering from, an illness or injury incurred in,
159 or aggravated during, the performance of service in the military shall, at the end of the period
160 that is necessary for the person to recover from such illness or injury notify the Tribe of the
161 person=s intent to return to a position of employment. Such period of recovery may not exceed
162 two (2) years, unless the minimum time required to accommodate the circumstances beyond such
163 person=s control is longer than two years, making reporting within the period specified
164 impossible or unreasonable.

165 213.6-7. A person who fails to report for reemployment within the appropriate period shall not
166 automatically forfeit such person=s entitlement to the benefits referred to in section 213.6-1 but
167 shall be subject to the Tribe=s policies and procedures pertaining to discipline with respect to
168 absence from scheduled work.

169 213.6-8. A person who has notified the Tribe of the person=s intent to return to a position of
170 employment in accordance with section 213.6-5 shall, upon the request of the Tribe, provide

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171 documentation to establish that:

- 172 (a) the notification is timely;
- 173 (b) the time limits in section 213.6-1(b) have not been exceeded, except as permitted under
- 174 section 213.6-3; and
- 175 (c) the person=s entitlement to benefits has not been terminated pursuant to section 213.4.

176 213.6-9. The timing, frequency, and duration of a person=s training or service, or the nature of

177 such training or service (including voluntary service) in the military, shall not be a basis for

178 denying protection of this law if the service does not exceed the limitations set forth under

179 section 213.6-3 and the notice and notification requirements established in this section are met.

180 213.6-10. The Human Resources Department shall inform employees of their rights, benefits,

181 and obligations under this law and shall provide assistance to employees with respect to the

182 employment and reemployment benefits to which they are entitled under this law.

183

184 **213.7. Reemployment Positions**

185 213.7-1. A person entitled to reemployment under section 213.6 shall be promptly reemployed

186 in a position of employment in accordance with the following order of priority:

- 187 (a) In the case of a person whose period of service in the military was for less than ninety-
- 188 one (91) days:

189 (1) in the position which the person would have been employed if the continuous

190 employment of such person had not been interrupted by such service, the duties of

191 which the person is qualified to perform; or

192 (2) in the position which the person was employed on the date of the

193 commencement of the service in the military, only if the person is not qualified to

194 perform the duties of the position referred to under section 213.7-1(a)(1) after

195 reasonable efforts by the Tribe to qualify the person.

- 196 (b) In the case of a person whose period of service in the military was for more than ninety
- 197 (90) days:

198 (1) in the position which the person would have been employed if the continuous

199 employment of such person had not been interrupted by such service, or a position

200 of like seniority, status and pay, the duties of which the person is qualified to

201 perform; or

202 (2) in the position which the person was employed on the date of the

203 commencement of the service, or a position of like seniority, status and pay, the

204 duties of which the person is qualified to perform, only if the person is not

205 qualified to perform the duties of the position referred to under section 213.7-

206 1(b)(1) after reasonable efforts by the Tribe to qualify the person.

- 207 (c) In the case of a person who has a disability incurred in, or aggravated during, service,
- 208 and after reasonable efforts by the Tribe to accommodate the disability, is not qualified due
- 209 to such disability to be employed in the position of employment in which the person would
- 210 have been employed if the continuous employment of such person with the Tribe had not
- 211 been interrupted by such service:

212 (1) in any other position which is equivalent in seniority, status, and pay, the

213 duties of which the person is qualified to perform or can become qualified to

214 perform with reasonable efforts by the Tribe; or

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215 (2) in a position which is the nearest approximation to a position referred to in (1)
216 in terms of seniority, status, and pay consistent with such person=s case.

217 (d) In the case of a person who is not qualified to become reemployed under 213.7-1(a) -
218 (c) and cannot become qualified, even with reasonable efforts by the Tribe, in any other
219 position which is the nearest approximation to a position which such person is qualified to
220 perform, with full seniority.

221 213.7-2. If two or more persons are entitled to reemployment in the same position and more than
222 one of them has reported for reemployment, the person who left the position first shall have the
223 prior right to reemployment in that position.

224 213.7-3. A person entitled to reemployment who is not reemployed because of section 213.7-2
225 shall be entitled to reemployment in any other position referred to in section 213.7-1, remaining
226 consistent with the circumstances of such person=s case, in the order of priority set out in the
227 appropriate section, with full seniority.
228

229 **213.8. Benefits of Persons Absent from Employment for Military Service**

230 213.8-1. A person who is reemployed under this law is entitled to the seniority and other
231 benefits determined by seniority that the person had on the date of the commencement of service
232 in the military plus the additional seniority and benefits that such person would have attained if
233 the person had remained continuously employed.

234 213.8-2. A person who is absent from a position of employment by reason of service in the
235 military shall be:

- 236 (a) deemed to be on a leave of absence while performing such service; and
237 (b) entitled to other benefits not determined by seniority as are generally provided by the
238 Tribe to employees having similar seniority, status, and pay who are on leave of absence
239 under a contract, agreement, policy, practice, or plan in effect at the commencement of
240 such service or established while such person performs such service.

241 213.8-3. A person who

- 242 (a) is absent from an employment position because of service in the military, and
243 (b) knowingly provides written notice of intent not to return to a position of employment
244 after service in the military, is not entitled to benefits under this section.

245 The Tribe has the burden of proving that a person knowingly provided written notice of intent
246 not to return to a position after service in the military and was aware of the specific benefits to be
247 lost.

248 213.8-4. A person on leave of absence for military service shall not be entitled to any benefits to
249 which the person would not otherwise be entitled if the person had remained continuously
250 employed.

251 213.8-5. A person may be required to pay the Tribe=s cost, if any, of any funded benefit
252 continued to the extent other employees on leave of absence are so required.

253 213.8-6. A person who is reemployed under this law shall only be terminated in accordance with
254 the Oneida Personnel Policies and Procedures.

255 213.8-7. Any person whose employment is interrupted by military service shall be permitted to
256 use, during such period of service, any vacation or personal time accrued by the person before
257 the commencement of such service. The Tribe may not require any person to use vacation or
258 personal time during such period of service.

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259 213.8-8. The Tribe shall grant an employee who is a reserve member an unpaid temporary leave
260 of absence in order to perform funeral honors duty. Employees may use vacation or personal
261 time to perform funeral honors duty if eligible.
262

263 **213.9. Health Plans**

264 213.9-1. If a person, or a person=s dependents, has coverage under a health plan through the
265 Tribe and such person is on a leave of absence for military service, the plan shall provide that the
266 coverage may be continued. The maximum period of coverage of a person and the person=s
267 dependents shall be the lesser of:

268 (a) the eighteen (18) month period beginning on the date on which the person=s absence
269 begins; or

270 (b) the day after the date on which the person fails to return to a position of employment,
271 as determined under section 213.6-5.

272 213.9-2. A person who elects to continue health-plan coverage may be required to pay not more
273 than the amount paid by other employees who take a leave of absence, except that in the case of
274 a person who serves in the military for less than thirty-one (31) days, such person may not be
275 required to pay more than the employee share, if any, for such coverage.

276 213.9-3. If a person=s health plan is terminated by reason of military service, an exclusion or
277 waiting period may not be imposed in connection with the reinstatement of such coverage upon
278 reemployment if an exclusion or waiting period would not have been imposed had coverage of
279 such person not been terminated as a result of such service.

280 (a) This shall apply to the person who is reemployed and to his or her dependents who are
281 covered under the plan with the reinstatement of coverage of such person.

282 (b) This shall not apply to the coverage of any illness or injury incurred in, or aggravated
283 during, performance of service in the military.
284

285 **213.10. Retirement and Pension Plans**

286 213.10-1. Each period served by a person in the military shall, upon reemployment, be deemed
287 to constitute service for the purpose of determining the nonforfeitability of the person=s accrued
288 benefits and for the purpose of determining the accrual of benefits under a retirement or pension
289 plan.

290 (a) When a person is absent from a position of employment for more than ninety (90) days
291 and is reemployed, the Tribe may require documentation before treating the person as not
292 having incurred a break in service for retirement or pension plan purposes under this
293 section.

294 213.10-2. A person reemployed under this law shall be entitled to accrued benefits that are
295 contingent on the making of, or derived from, employee contributions or elective deferrals if the
296 person makes payment to a retirement or pension plan with respect to such contributions or
297 deferrals. If the employee makes up the contributions, the Tribe shall make up any required
298 matching contributions. No such payment may exceed the amount the person would have been
299 permitted or required to contribute had the person remained continuously employed by the Tribe
300 throughout the period of service. Any payment to a retirement or pension plan shall be made
301 during the period beginning with the date of reemployment and whose duration is three (3) times
302 the period of the person=s service in the military, such payment period not to exceed five (5)

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303 years.

304 213.10-3. For purposes of computing the Tribe=s liability or the employee=s contributions, the
305 employee=s compensation during the period of service shall be computed:

306 (a) at the rate the employee would have received but for the period of service;

307 (b) in the case that the determination of such rate is not reasonably certain, on the basis of
308 the employee=s average rate of compensation during the twelve (12) month period
309 immediately preceding such period (or, if shorter, the period of employment immediately
310 preceding such period).

311 213.10-4. *Pension Plan.* When a person who participates in a pension plan is reemployed after a
312 period of military service, the Tribe shall be liable to the pension plan for funding any obligation
313 to provide the benefits the employee would have received had they not taken a leave of absence.
314 The Tribe shall allocate the amount of the Tribal contribution for the person in the same manner
315 and to the same extent the allocation occurred for other employees eligible for the pension plan
316 during the period of service. For purposes of determining the amount of such liability and any
317 obligation of the pension plan, earnings and forfeitures shall not be included.

318

319 **213.11. Enforcement of Employment or Reemployment Rights**

320 213.11.1. The Tribe shall notify, in writing, any person who has been denied employment,
321 reemployment, or benefits under this law.

322 213.11-2. A person may file a complaint whenever such person claims that:

323 (a) he or she is entitled to employment or reemployment rights or benefits with respect to
324 employment by the Tribe; or

325 (b) the Tribe has failed or refused to comply with the provisions of this law.

326 213.11-3. Such complaint shall be in writing, contain a summary of the allegations that form the
327 basis for the complaint and be filed with the person=s area manager and the Oneida Human
328 Resources Manager (or designee) within ten (10) working days from the day the person received
329 a denial of employment and/or benefits by the Tribe .

330 213.11-4. If the area manager determines that the action alleged in such complaint occurred, the
331 area manager shall attempt to resolve the complaint by making reasonable efforts to ensure that
332 the person or entity named in the complaint complies with the provisions of this law.

333 213.11-5. If the efforts of the area manager do not resolve the complaint within ten (10) working
334 days from the receipt of the employee=s complaint, the complainant shall be notified of the
335 results of the area manager=s investigation and the complainant=s entitlement to refer the
336 complaint to the Trial Court. One extension of no more than five (5) working days may be
337 requested of and granted by the Oneida Human Resources Manager (or designee) at his or her
338 discretion.

339 213.11-6. If an employee appeals the area manager=s decision, the appeal must be filed with the
340 Trial Court within ten (10) working days of the employee=s receipt of the Area Manager=s
341 decision. The Trial Court shall notify the Human Resources Manager (or designee) within one
342 (1) business day when an employee files an appeal.

343 213.11-7. *Remedies.* In any action relating to this law, relief may be awarded as follows:

344 (a) Require the Tribe to comply with the provisions of this law; and/or

345 (b) Require the Tribe to compensate the person for any loss of wages or benefits suffered
346 by reason of the Tribe=s failure to comply with the provisions of this law.

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347 213.11-8. Any compensation awarded shall be in addition to, and shall not diminish, any of the
348 other benefits provided for under this law.

349

~~350~~ *End.*

352

353 Adopted - BC-10-24-07-E

354 Emergency Amended – BC-__-__-__-__

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Consider adoption of Resolution: Oneida Judiciary Rules of Civil Procedure Emergency Amendments

3. Supporting Materials

Report Resolution Contract

Other:

- 1. 3.
- 2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member


Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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: April 20, 2018
 RE: Oneida Judiciary Rules of Civil Procedure Emergency Amendments

Please find the following attached backup documentation for your consideration of the Oneida Judiciary Rules of Civil Procedure Emergency Amendments:

1. Resolution: Oneida Judiciary Rules of Civil Procedure Emergency Amendments
2. Statement of Effect: Oneida Judiciary Rules of Civil Procedure Emergency Amendments
3. Oneida Judiciary Rules of Civil Procedure Emergency Amendments Legislative Analysis
4. Oneida Judiciary Rules of Civil Procedure (Redline)
5. Oneida Judiciary Rules of Civil Procedure (Clean)

Overview

An emergency amendment to the Oneida Judiciary Rules of Civil Procedure (the “Law”) is requested in order to address the dissolution of the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary – Trial Court.

The Oneida Business Committee can temporarily enact legislation when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and when the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5].

The emergency amendment to the Law is necessary for the preservation of the general welfare of the reservation population, in an effort to ensure that the employees of the Nation have due process rights in the absence of the Personnel Commission. Additionally, observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee, and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Requested Action

Approve the Resolution: Oneida Judiciary Rules of Civil Procedure Emergency Amendments.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Oneida Judiciary Rules of Civil Procedure Emergency Amendments

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- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Judiciary Rules of Civil Procedure (“the Law”) was adopted by the Oneida Business Committee by resolution BC-04-25-14-A; and
- WHEREAS,** the Law governs all civil actions that fall under the jurisdiction of the Nation and provides a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Trial Court to have their disputes resolved; and
- WHEREAS,** the Law currently states that this Law shall apply to proceedings conducted by the Tribe’s Personnel Commission, except where the personnel policies and procedures are more specific, then those shall supersede; and
- WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and
- WHEREAS,** resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and
- WHEREAS,** the emergency amendment to the Law; clarifies that the Law applies to proceedings regarding employee grievances, except where the Nation’s Personnel Policies and Procedures are more specific, then those shall supersede and

42 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
43 legislation on an emergency basis, to be in effect for a period of six (6) months,
44 renewable for an additional six (6) months; and
45

46 **WHEREAS,** the emergency adoption of this amendment to the Law is necessary for the preservation
47 of the public health, safety, or general welfare of the reservation population to ensure that
48 the general welfare and due process rights of employees is preserved; and
49

50 **WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for
51 adoption of this amendment would be contrary to public interest; and
52

53 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact
54 statement when considering emergency legislation.
55

56 **NOW THEREFORE BE IT RESOLVED,** that the emergency amendment to the Oneida Judiciary Rules of
57 Civil Procedure is hereby adopted on an emergency basis and shall become effective immediately.



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



Statement of Effect

Oneida Judiciary Rules of Civil Procedure Emergency Amendments

Summary

This Resolution adopts an emergency amendment to the Oneida Judiciary Rules of Civil Procedure which would remove references to the Personnel Commission and clarify that the Law applies to proceedings regarding employee grievances, except where the Nation's laws, policies and rules governing employment are more specific.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 20, 2018

Analysis by the Legislative Reference Office

This resolution adopts an emergency amendment to the Oneida Judiciary Rules of Civil Procedure ("the Law"). The Law was adopted by the Oneida Business Committee on April 25, 2014, through resolution BC-04-25-14-A. The Law governs all civil actions that fall under the jurisdiction of the Nation and provides a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Trial Court to have their disputes resolved.

Currently, the Law applies to proceedings conducted by the Nation's Personnel Commission, except where the personnel policies and procedures are more specific, then those shall supersede.

On April 11, 2018, the Oneida Business Committee dissolved the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary in an effort to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation. The Oneida Business Committee felt it was now appropriate to begin consolidating employment related grievance hearings into the Judiciary as the number of current cases in the Personnel Commission was low and the costs of maintaining judicial hearing authorities continues to increase.

Oneida Business Committee resolution BC-04-11-18-A also requires that the Legislative Operating Committee develop and present emergency legislative amendments to fully address the impact of this resolution to the next Oneida Business Committee meeting. This resolution states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority.

The emergency amendment to the Law removes references to the Personnel Commission and clarifies that the Law applies to proceedings regarding employee grievances, except where the Nation's Personnel Policies and Procedures are more specific, then those shall supersede.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is “necessary for the immediate preservation of the public health, safety or general welfare of the reservation population” and when “enactment or amendment of legislation is required sooner than would be possible under the Legislative Procedures Act.” [1 O.C. 109.9-5].

The emergency amendment to this Law is necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved. Additionally, observance of the adoption requirements under the LPA for adoption of this amendment would be contrary to public interest. Through the resolution BC-04-11-18-A, the Oneida Business Committee has issued a finding of an emergency and has stated the necessity for approving emergency amendments to this Law.

The emergency amendments to the Oneida Judiciary Rules of Civil Procedure will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

Adoption of this Resolution would not conflict with any of the Nation’s laws.



Emergency Amendments to Oneida Judiciary Rules of Civil Procedure

SECTION 1. BACKGROUND

REQUESTER: OBC	SPONSOR: David Jordan	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	The intent of the amendments is to remove references to the Oneida Personnel Commission.		
Purpose	The purpose of the Oneida Judiciary Rules of Civil Procedure is to govern all civil actions that fall under the jurisdiction of the Oneida Nation <i>[see Oneida Judiciary Rules of Civil Procedure, 8 O.C. 803.1]</i> .		
Affected Entities	Oneida Judiciary, Oneida Personnel Commission.		
Affected Legislation	Oneida Judiciary Rules of Civil Procedure.		
Enforcement/Due Process	Under the Judiciary Law, judges may be reprimanded for willful disregard of or failure to perform duties, including upholding Tribal law <i>[see Judiciary Law, 8 O.C. 801.12-1]</i>		
Public Meeting	A public hearing is not required for emergency legislation.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
2 **A.** On April 11, 2018, the Oneida Business Committee (OBC) dissolved the Oneida Personnel
3 Commission and directed that the Commission's hearing authority be transferred to the Oneida
4 Judiciary. The OBC directed the LOC to draft emergency amendments to address the impact of this
5 resolution. The OBC placed the commission's pending cases on hold until emergency amendments
6 are adopted *[see BC Resolution 04-11-18-A]*. On the same day, the Oneida Business Committee
7 created the Personnel Selection Committee to assume the Personnel Commission's responsibilities
8 related to job screening and interviews. *[see BC Resolution 04-11-18-B]*.
- 9 **B.** References to the Personnel Commission appear in several of the Nation's laws. Now that the
10 Personnel Commission is dissolved, amendments are necessary to transfer the Personnel
11 Commission's responsibilities to the Oneida Judiciary or to the newly created Personnel Selection
12 Committee.

SECTION 3. CONSULTATION

- 14 **A.** The Judiciary Law, Personnel Policies and Procedures, Employee Protection Policy, and Military
15 Service Employee Protection Act were reviewed in drafting this analysis.
- 16 **B.** Personnel Commission staff were consulted regarding the number of pending cases and filing fees.

SECTION 4. PROCESS

- 18
19 **A.** This amendment is being considered on an emergency basis. The Oneida Business Committee may
20 temporarily enact an emergency law where legislation is necessary for the immediate preservation of
21 public health, safety, or general welfare of the reservation population and enactment or amendment of
22 legislation is required sooner than would be possible under this law *[see Legislative Procedures Act,*
23 *1 O.C. 109.9-5]*.

- 25 **B.** Through resolution BC-04-11-18-A, the OBC has issued a finding of an emergency and has stated the
26 necessity for approving emergency amendments to this policy. Emergency amendments to this policy
27 are necessary for the preservation of the general welfare of the reservation population, in an effort to
28 ensure that employees of the Nation have due process rights in the absence of the Personnel
29 Commission.
- 30 **C.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
31 considering emergency legislation; however they will be required when considering permanent
32 adoption of this amendment. Emergency amendments expire six (6) months after adoption and may
33 be renewed for one additional six (6) month period.
- 34 **D.** This law was originally added to the Active Files List on 12/20/2017 and reclassified as emergency
35 amendments on 4/18/2018.
- 36

37 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 38 **A. *Reference to Personnel Commission Removed.*** There was one reference to the “Personnel
39 Commission” in the current law. This provision stated that the Personnel Commission must follow
40 the Rules of Civil Procedure in their hearings, unless the Personnel Policies and Procedures provided
41 a more specific process [*see Rules of Civil Procedure, 8 O.C. 803.4-6*]. This provision has been
42 amended to remove the Personnel Commission:
- 43 i. “This law applies to proceedings conducted by the Tribe’s Personnel Commission” has been
44 replaced with “this law applies to proceedings regarding employee grievances.” Proceedings
45 regarding employee grievances will now be conducted by the Trial Court, which already
46 follows the Rules of Civil Procedure. [*see Rules of Civil Procedure, 8 O.C. 803.4-6*].
 - 47 ii. Personnel Policies and Procedures provide a “more specific process” in regards to grievance
48 procedures, which include timelines for filing appeals, scheduling hearings and submitting
49 documentation. [*see Personnel Policies and Procedures - Section V.6*]. The Trial Court, rather
50 than the Personnel Commission, will be required to follow these procedures for employee
51 grievance hearings.
- 52

53 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

- 54 **A.** As a result of the dissolution of the Personnel Commission and creation of the Personnel Selection
55 Committee, the following laws must also be amended to remove references to the Personnel
56 Commission:
- 57 i. Oneida Personnel Policies and Procedures
 - 58 ii. Oneida Employee Protection Policy
 - 59 iii. Military Service Employee Protection Act
- 60

61 **SECTION 8. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR** 62 **OBLIGATIONS**

- 63 **A. *Pending Cases.*** Five cases are currently pending before the Personnel Commission. These cases
64 have been placed on hold until amendments to this and related laws have been adopted. Any
65 timelines associated with these cases have also been placed on hold. Upon adoption, these pending
66 cases and all future cases will be transferred to the Oneida Judiciary Trial Court. The Business

67 Committee's resolution indicates that the Judiciary has identified that it is prepared to accept these
68 responsibilities [see *BC Resolution 04-11-18-A*].
69 **B. Trial Court Filing Fees.** The Personnel Commission did not charge filing fees for their services.
70 However, the Trial Court charges a \$50 filing fee for general civil cases. Therefore, individuals may
71 now be charged fees to have their appeals heard under this law.
72 i. *Fee Waiver.* If individuals are unable to pay the filing fee, they may request a fee waiver from
73 the court for the following reasons: Unemployed, Health/Medical, Indigent (below poverty
74 level), or "other reasons."

75

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Title 8. Judiciary - Chapter 803
ONEIDA JUDICIARY RULES OF CIVIL PROCEDURE

803.1. Purpose and Policy	803.18. Physical and Mental Examinations
803.2. Adoption; Amendment; Repeal	803.19. Requests for Admission
803.3. Definitions	803.20. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions
803.4. General Provisions	803.21. Dismissal of Action
803.5. Commencement of Action; Summons; Service of Process; Filing	803.22. Consolidation; Separate Trials
803.6. Computing and Extending Time	803.23. Taking Testimony
803.7. Pleadings; Form of Pleadings, Motions and Other Papers; Procedure	803.24. Subpoena
803.8. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions	803.25. Recesses; Personal Conduct
803.9. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidated Motions; Waiving Defenses; Pretrial Hearing	803.26. Contempt
803.10. Counterclaim; Crossclaim; Third-Party Claim;	803.27. Findings and Conclusions by the Court; Judgment on Partial Findings; Offer of Judgment
803.11. Amended Pleadings	803.28. Judgment; Costs
803.12. Pretrial Meeting and Filing	803.29. Default; Default Judgment
803.13. Substitution of Parties	803.30. Summary Judgment
803.14. Discovery	803.31. Entering Judgment; Enforcement
803.15. Depositions	803.32. Record of Proceedings
803.16. Interrogatories	803.33. Relief from a Judgment or Order; Harmless Error
803.17. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes	803.34. Stay of Proceedings to Enforce a Judgment
	803.35. Injunctions and Restraining Orders
	803.36. Behavior, Disability, Disqualification of Judges
	803.37. Guardian Ad Litem
	803.38. Hearing Procedure
	803.39. Appeals

803.1. Purpose and Policy

803.1-1. The purpose of this Law is to govern all civil actions that fall under the jurisdiction of the Oneida Tribe of Indians of Wisconsin.

803.1-2. It is the policy of the Tribe that there should be a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Tribal Courts to have their disputes resolved.

803.2. Adoption; Amendment; Repeal

803.2-1. This Law is adopted by the Oneida Business Committee by resolution BC-04-25-14-A and emergency amended by BC- - - -.

803.2-2. This Law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

803.2-3. 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.

803.2-4. 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, except where the specific laws that fall under this Court's jurisdiction provide for more specific rules of procedure, those laws shall supersede.

803.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

803.3 Definitions

803.3-1. The definitions below shall govern the words and phrases used within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

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- 28 (a) “Advocate” shall mean an Oneida non-attorney advocate as provided by law and
29 other advocate who is admitted to practice law and is presented to the Court as the
30 representative or advisor to a party.
- 31 (b) “Affidavit” shall mean a written statement voluntarily made under an oath or
32 affirmation administered by a person authorized to do so by law.
- 33 (c) “Affidavit of service” shall mean a document signed under oath or affirmation by the
34 server certifying service which sets out the time, date and place that the party was
35 served.
- 36 (d) “Answer” shall mean a formal written statement addressing the dispute on the merits
37 and presents any defenses and counterclaims.
- 38 (e) “Court of Appeals” shall mean the Court of Appeals of the Judiciary.
- 39 (f) “Attorney” shall mean a person trained and licensed to represent another person in
40 Court, to prepare documents and to give advice or counsel on matters of law.
- 41 (g) “Attorney’s fees” shall mean compensation for legal services performed by an
42 attorney or advocate for a client, in or out of Court.
- 43 (h) “Clerk” shall mean the clerk of the Trial Court including, when appropriate, the
44 Family Court clerk.
- 45 (i) “Complaint” shall mean the initial pleading setting out the case or cause of action on
46 which relief is sought by the plaintiff.
- 47 (j) “Counterclaim” shall mean a claim set up and urged by the defendant in opposition to
48 or reduction of the claim presented by the plaintiff.
- 49 (k) “Court” shall mean the Trial Court of the Oneida Judiciary. All references to “Court”
50 shall also apply to the Family Court unless specified otherwise.
- 51 (l) “Crossclaim” shall mean a claim that is made by a party in a suit that is in opposition
52 to a claim already made.
- 53 (m) “Day” or “days” shall mean calendar days, except where otherwise specified.
- 54 (n) “Defendant” shall mean the party, including a respondent in the Family Court,
55 against whom relief or recovery is sought in an action or suit. All references to
56 “defendant” apply to “respondent.”
- 57 (o) “Deposition” shall mean the taking and recording of testimony of a witness under
58 oath before a Court reporter in a place away from the courtroom before trial.
- 59 (p) “Discovery” shall mean the entire efforts to obtain information before trial through
60 demands for production of documents, depositions, interrogatories, requests for
61 admissions, examination of the scene and the petitions and motions employed to
62 enforce discovery rights.
- 63 (q) “Electronic” shall mean an electronic communication system, including, but is not
64 limited to E-mail, used for filing papers with the Court or serving papers on any other
65 party.
- 66 (r) “Ex Parte” shall mean any contact with the Judge regarding a pending case where the
67 opposing party has not received notice, is not present, and has not consented to the
68 communication.
- 69 (s) “Excusable neglect” shall mean a legitimate excuse for the failure to take some
70 proper step at the proper time. The failure to act shall have been the act of a
71 reasonably prudent person under the same circumstances; however, it shall not
72 include situations brought about by the moving party’s own carelessness or inaction.
- 73 (t) “Family Court” shall mean the Family Court pursuant to the Family Court Law,
74 Chapter 151 of the Oneida Code of Laws. All references to “Court” shall also apply
75 to the Family Court unless specified otherwise.

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- 76 (u) “Good cause” shall mean a substantial reason or legal justification for failing to
77 appear, to act, or respond to an action.
- 78 (v) “Interlocutory injunction” shall mean a Court order, made during the trial, to compel
79 or prevent a party from doing certain acts pending the final determination of the case.
- 80 (w) “Interrogatory” shall mean a set of written questions to a party to a lawsuit asked by
81 the opposing party as part of the pre-trial discovery process.
- 82 (x) “Judge” shall mean the person presiding over a case to hear and decide legal matters.
- 83 (y) “Judgment” shall mean a determination of a Court of law including a decree and any
84 order from which an appeal lies. The terms decision, opinion, judgment and order are
85 generally used similarly throughout this Law.
- 86 (z) “Judiciary” shall mean the judicial system that was established by Oneida General
87 Tribal Council resolution GTC #1-07-13-B to administer the judicial authorities and
88 responsibilities of the Tribe.
- 89 (aa) “Motion” shall mean an application to the Court for any order, judgment or other
90 form of relief requested separate from the original complaint.
- 91 (bb) “Notice” shall mean a legal notification in a written format or through a formal
92 announcement with proof of delivery to the recipient making the recipient aware of a
93 legal process affecting their rights, obligations or duties.
- 94 (cc) “Order” shall mean a decision by the Court or Judge, not included in a judgment,
95 which determines some point or directs some step in the proceedings.
- 96 (dd) “Peacemaker” shall mean an individual appointed by the parties or the Court who
97 works with parties in a Court matter to attempt to resolve a dispute in a peaceful
98 manner and in accordance with the customs of the Tribe.
- 99 (ee) “Plaintiff” shall mean the party, including a petitioner initiating an action in the
100 Family Court, who sues in a civil action. All references to “plaintiff” apply to
101 “petitioner.”
- 102 (ff) “Pleading” shall mean the formal allegations by the parties of their respective claims
103 and defenses, for the judgment of the Court.
- 104 (gg) “Proof of service” shall mean proof that a legal document has been delivered and
105 accepted by the party it is intended for by means of filing a copy of the return receipt
106 when certified mail is utilized or by an affidavit of service.
- 107 (hh) “Punitive damages” shall mean monetary compensation awarded to an injured
108 party that goes beyond that which is necessary to compensate the individual for losses
109 and that is intended to punish the wrongdoer.
- 110 (ii) “Purge” shall mean that a person or party has done what the Court required and is no
111 longer in contempt of Court.
- 112 (jj) “Reservation” shall mean all land within the exterior boundaries of the Reservation of
113 the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with
114 the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.
- 115 (kk) “Service” shall mean the delivery of a legal document that notifies the recipient of
116 the commencement of a legal action or proceeding in which he or she is involved and
117 is thereby advised or warned of some action or step which he or she is commanded to
118 take or to forbear.
- 119 (ll) “Subject-matter jurisdiction” shall mean that the Court has the authority to hear the
120 type of case or controversy in its Court.
- 121 (mm) “Subpoena” shall mean a formal document that orders a named individual to
122 appear before the Court at a fixed time to give testimony and/or produce documents.
- 123 (nn) “Summary judgment” shall mean a pre-trial Court order ruling that there are no

- 124 disputed material issues of fact and that the movant is entitled to judgment as a matter
125 of law without trial.
- 126 (oo) “Summons” shall mean an order notifying a defendant to appear in person before
127 the Court.
- 128 (pp) “Trial Court” shall mean a Court of the Judiciary where evidence and testimony
129 are first introduced, received, and considered. The Court of Appeals shall not be
130 included in this definition.
- 131 (qq) “Tribal Holiday” shall mean any holiday listed in the Tribe’s Human Resources
132 Department’s published holiday observance schedule or any day designated by the
133 Oneida Business Committee or General Tribal Council as a Tribal Holiday.
- 134 (rr) “Tribal law” shall mean an adopted Tribal code, act, statute or ordinance.
- 135 (ss) “Tribe” or “Tribal” shall mean the Oneida Tribe of Indians of Wisconsin.
- 136 (tt) “Without prejudice” shall mean that none of the rights or privileges of the individual
137 involved are considered to be lost or waived. The parties are free to litigate the
138 matter in a subsequent action, as though the dismissed action had not been started.
139

140 **803.4. General Provisions**

- 141 803.4-1. *Forms of Action.* There shall be one (1) form of action, known as a “civil action”.
- 142 803.4-2. *Immunity Not Waived.* No section, rule or part thereof, of this Law shall be construed
143 in any way to waive the sovereign immunity of the Tribe or the judicial immunity of the Judges
144 within the Judiciary.
- 145 803.4-3. *Other Rules of Procedure Used.* All matters and proceedings not specifically set forth
146 herein shall be handled in accordance with reasonable justice, as determined by the Judiciary.
147 Where this Law is ambiguous or does not address a situation, the Federal Rules of Civil
148 Procedure or Section 801 of the Wisconsin Statutes may be used as a guide. No sanction or other
149 disadvantage may be imposed for noncompliance with any requirement not in Tribal law unless
150 the alleged violator has been furnished in the particular case with actual notice of the
151 requirement.
- 152 803.4-4. At every stage of the proceeding, the Court may disregard any technical error or defect
153 in a failure to comply with this Law as long as the error or noncompliance does not affect the
154 substantive rights of the parties; particularly those not represented by an attorney.
- 155 803.4-5. All communications, service, etc. shall be directed to a party’s attorney or advocate, if
156 represented by an attorney or advocate.
- 157 803.4-6. *Application of this Law.* This Law shall be followed by the Court, except where other
158 Court rules are more specific, then those laws shall supersede. –This Law shall apply to
159 proceedings ~~conducted by the Tribe’s Personnel Commission~~ regarding employee grievances,
160 ~~except where the Tribe Nation’s Personnel Policies and Procedures~~ personnel policies and
161 procedures are more specific, then those shall supersede. This Law shall not apply to the
162 Mediation or Peacekeeping divisions of the Trial Court.
- 163 803.4-7. *Jurisdiction.* Jurisdiction shall be established as provided in the Judiciary, Chapter 150
164 of the Oneida Code of Laws.
- 165 803.4-8. *Standard of Proof.* All matters to be decided by the Court shall be proven by a
166 preponderance of the evidence, unless specified otherwise.
167

168 **803.5. Commencement of Action; Summons; Service of Process; Filing**

- 169 803.5-1. *Complaint.* A civil action shall be commenced upon the filing of a complaint and
170 payment of a filing fee or other fee where specified by law or Court Rule.
- 171 (a) *Contents.* A complaint shall include the following:

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- 172 (1) The name of the Court;
173 (2) The full name and address of each plaintiff;
174 (3) The full name and address of each defendant;
175 (4) Why each defendant is being sued;
176 (5) Facts supporting each claim;
177 (6) Why this Court has jurisdiction;
178 (7) Specifically what relief is sought from each defendant; and
179 (8) A summons.
- 180 803.5-2. *Summons.* A complaint shall include a summons.
- 181 (a) *Contents.* A summons shall:
- 182 (1) Name the Court and the parties;
183 (2) Be directed to defendant;
184 (3) State the name and address of the plaintiff’s attorney or advocate, or if
185 unrepresented, of the plaintiff;
186 (4) State the date and time to appear before the Court;
187 (5) Notify the defendant that a failure to appear and defend may result in a
188 default judgment against the defendant for the relief demanded in the complaint;
189 and
190 (6) Be signed by the clerk, and the plaintiff or plaintiff’s attorney or advocate.
- 191 (b) *Amendments.* The Court may permit a summons to be amended within ten (10) days
192 of filing such summons.
- 193 (c) *Issuance.* At the time of filing the complaint, the plaintiff shall present a summons to
194 the clerk for signature. If the summons is properly completed, the clerk shall sign and
195 issue it to the plaintiff for service on the defendant.
- 196 803.5-3. *Service.* Within thirty (30) days after filing the summons and complaint with the Court,
197 the plaintiff shall serve the summons and complaint upon the defendant in accordance with Rule
198 803.5-6. If the Tribe, or the officers, committees, commissions, boards, or any other department
199 or division of the Tribe is a party, the plaintiff shall also serve notice to the Tribe’s Secretary’s
200 Office within thirty (30) days.
- 201 (a) An additional thirty (30) days to serve the defendant may be requested and shall be in
202 writing. The request may be granted by the Court upon a showing of good cause. The
203 granting of this request is within the discretion of the Court.
- 204 (b) Proof of service shall be delivered, by the plaintiff, to the Court within ten (10) days
205 of service upon the defendant. Proof of service shall be in accordance with Rule 803.5-6.
- 206 (c) If proof of service is not completed and/or delivered to the Court within thirty (30)
207 days, or sixty (60) days if an extension is granted, then the Court shall, after notice to the
208 plaintiff, dismiss the matter without a hearing. Such dismissal based on a failure to
209 timely serve shall be without prejudice.
- 210 803.5-4. *When Service Required.* Unless this Law or other Tribal Law provides otherwise, the
211 filing party shall serve each of the following papers on every party:
- 212 (a) An order that specifically states that service is required;
213 (b) A pleading filed after the original complaint including, but not limited to:
214 counterclaims, crossclaims, and third-party claims;
215 (c) A discovery paper required to be served on a party, unless the Court orders otherwise;
216 (d) A written motion; and
217 (e) A written notice, appearance, demand, or offer of judgment or any similar paper.
- 218 803.5-5. *If a Party Fails to Appear.* No service is required on a party who is in default for
219 failing to appear. But a pleading that asserts a new claim for relief against such a party shall be

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220 served on that party according to this Law.

221 803.5-6. *Effective Service.* Excluding the complaint, summons and answer, a party may serve
222 any other papers by electronic means if the party being served consents in writing to service by
223 electronic means. Such consent shall include the electronic communication system, including
224 the address or number, in which to send such papers. The Consent shall be filed with the Court.
225 Otherwise, service shall be as follows: When possible, service shall be done by personal service
226 as described below. If personal service is not possible, then by mail service. If mail service is
227 not possible, then upon a showing of due diligence to make personal service and service by mail,
228 service by publication may be used as a last resort.

229 (a) *Personal Service.* Personal service shall consist of delivering to the party a copy of
230 the paper being served by a law enforcement officer or other person, who is not a party to
231 the action and who is at least eighteen (18) years of age. An affidavit of service shall be
232 filed with the Court as proof of service. Personal service shall be completed by hand
233 delivering the required papers to any of the following:

- 234 (1) The party named in the action or proceeding;
- 235 (2) An individual residing at the party's home or usual place of abode, so long as
236 the person signing for delivery is at least eighteen (18) years of age;
- 237 (3) An officer, manager, agent, or partner of a non-individual party; or
- 238 (4) An attorney or advocate of the party, if represented.

239 (b) *Mail Service.* Service of all papers made by mail from any party shall be by certified
240 mail, with return receipt. However, the Court may provide service by first class mail.
241 The certified mail return receipt shall be filed with the Court as proof of service. The
242 return receipt shall be signed by:

- 243 (1) The party named in the action or proceeding;
- 244 (2) an individual residing at the party's home or usual place of abode, so long as
245 the person signing for delivery is at least eighteen (18) years of age;
- 246 (3) An officer, manager, agent, or partner of a non-individual party; or
- 247 (4) An attorney or advocate of the party, if represented.

248 (c) *Service by Publication.* When the other party's whereabouts are unknown and cannot
249 be found after diligent effort, service may be completed by publication. The publication
250 shall be in the Tribal newspaper or in a newspaper of general circulation in the area of the
251 party's last known address, and shall be designated as "Legal Notice." This notice shall
252 be published at least two (2) times within a thirty (30) day period. The two (2) notices
253 shall be published at least ten (10) days before the hearing. Copies of the two (2)
254 published notices and an affidavit of service stating the facts surrounding the failure of
255 personal and mail service shall be filed with the Court as proof of service.

256 (1) The Court may, on its own, order different time limits for service by
257 publication.

258 (d) *Service Refused.* If a party being personally served refuses service, service shall be
259 deemed completed if the person serving the papers does all of the following:

- 260 (1) Informs the party of the purpose of the service;
- 261 (2) Offers copies of the papers served;
- 262 (3) Leaves a copy of the papers where convenient; and
- 263 (4) Notes upon a copy of the papers to be filed with the Court or in an affidavit of
264 service, the time, date, and place of the attempted service, that refusal occurred
265 and where the papers were left.

266 (e) *Admission of Service.* A plaintiff may request any defendant to admit service of a
267 complaint and a summons. The request shall:

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- 268 (1) Be in writing;
269 (2) Name the defendant;
270 (3) Name the Court;
271 (4) Include a copy of the complaint and summons, two (2) admission of service
272 forms clearly identifying the requirement that the signature by the defendant must
273 be notarized, and a prepaid means for returning one (1) signed admission of
274 service form;
275 (5) Inform the defendant of the consequences of admitting and not admitting
276 service;
277 (6) State the date the request is sent;
278 (7) Give the party a reasonable time of at least thirty (30) days after the request
279 was sent to return the admission of service; and
280 (8) Be delivered in person or by certified mail.

281 (f) *Consequences of Admission of Service.*

282 (1) When the plaintiff files an admission of service signed by the defendant, proof
283 of service as otherwise required in this section shall not be required and this Law
284 shall apply as if a complaint and summons had been served at the time of filing
285 the admission of service.

286 (2) If a defendant timely returns an admission of service, the defendant shall have
287 sixty (60) days, from the time the request was sent, to serve an answer to the
288 complaint.

289 (3) Signing and admission of service of a summons and complaint shall not waive
290 any objection to personal jurisdiction or to venue.

291 (g) *Admission of Service other Papers.* A party may request an opposing party to admit
292 service of any other papers required to be served. Such request shall follow the
293 requirements of this section for admitting service except that under (e)(4) above, a copy
294 of the papers subject to the request shall be included and not a copy of the complaint or
295 summons.

296 803.5-7. *Filing.* Any paper after the complaint that is required to be served, including proof of
297 service, shall be filed with the Court within a reasonable time after service.

298 (a) *How Filing is Made.* A paper is filed by any of the following:

299 (1) Delivering it to the clerk.

300 (2) Certified mail.

301 (A) If a filing is made by certified mail with return receipt but is untimely
302 and the filing party can show that the mailing occurred at least three (3)
303 days prior to the due date, the Court may accept the filing as timely.

304 (3) *Electronic Filing.* A party may file papers electronically to the electronic
305 address or number, designated for such filings, of the Clerk. A paper filed by
306 electronic means shall constitute a written paper for the purpose of applying this
307 Law. Upon receipt by the Clerk, any paper filed electronically shall be deemed
308 filed, signed and verified by the filing party. A party filing electronically shall
309 have three (3) business days from the day of filing to pay any filing fees
310 associated with such filings.

311 (b) *Acceptance by the Clerk.* The clerk may refuse to accept any documents submitted
312 for filing where other requirements of this Law or other Tribal laws have not been met
313 including, but not limited to, lack of filing fee or unsigned pleadings. Filing parties shall
314 be responsible for verifying acceptance of their filings with the clerk.

315

316 803.6. Computing and Extending Time

317 803.6-1. *Computing Time.* The following Rules apply in computing any time period specified in
318 this Law.

319 (a) *Time Period Stated in Days.* When a time period is stated in days:

320 (1) The day that the period begins shall not be counted and the last day of the
321 period shall be counted;

322 (A) In computing calendar days, time computation shall include Saturdays,
323 Sundays and Tribal holidays

324 (B) In computing business days, Saturdays, Sundays or Tribal holidays
325 shall not be counted.; and

326 (2) If the last day of the period falls on a Saturday, Sunday or Tribal holiday, the
327 period shall be extended to the next day that is not a Saturday, Sunday or
328 Tribal holiday.

329 (3) If the Clerks' office is inaccessible during part or all of the last day for filing,
330 then the time for filing shall be extended to the first accessible day that is not a
331 Saturday, Sunday or Tribal Holiday.

332 (b) "*Last Day.*" Unless a different time is set by a Tribal Law or Court order, the last
333 day ends for filing papers with the Judiciary at the close of business on the due date.

334 803.6-2. *Extending Time.*

335 (a) When an act may or shall be done within a specified time, the Judge presiding over
336 the matter may, for good cause, extend time:

337 (1) On its own motion or the motion of any party, with or without notice, if made
338 before the original time or its extension expires; or

339 (2) On motion made after the time has expired if the party failed to act because of
340 excusable neglect.

341 (b) *Extension of Time for Mail Service:*

342 (1) Whenever a party may or shall act within a specified time after service and
343 service is made by mail, three (3) days shall be added after the period would
344 otherwise expire.

345 (c) Except where otherwise specified by Law, extensions shall not be granted ex parte.
346

347 803.7. Pleadings; Form of Pleadings, Motions and Other Papers; Procedure

348 803.7-1. *General Rules for Pleading.* All pleadings shall be liberally construed by the Court to
349 preserve and promote justice for all parties.

350 803.7-2. *Pleadings.* Only these pleadings are allowed:

351 (a) A complaint;

352 (b) An answer to a complaint;

353 (c) An answer to a counterclaim designated as a counter claim;

354 (d) An answer to a crossclaim;

355 (e) A third-party complaint;

356 (f) An answer to a third-party complaint; and

357 (g) If the Court orders one, a reply to an answer.

358 803.7-3. *Form of Pleadings.* The Rules governing captions and other matters of form in
359 pleadings apply to motions and other papers.

360 (a) *Claim for Relief.* A pleading that states a claim for relief shall be a short, clear and
361 plainly written statement specifying the following:

362 (1) The basis upon which the Court has both subject matter jurisdiction over the
363 matter, and personal jurisdiction over the parties;

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- 364 (2) The events upon which the claims are based and the grounds upon which
365 relief is sought; and
- 366 (3) A demand for a judgment granting the relief that is sought and which the
367 plaintiff considers to be just. Multiple forms of relief may be sought in the
368 alternative or hypothetical form and need not be consistent.
- 369 (b) *Defenses; Admissions and Denials.*
- 370 (1) In responding to a pleading, a party shall:
- 371 (A) State in short and plain terms its defenses to each claim asserted
372 against it; and
- 373 (B) Admit or deny the allegations asserted against it by an opposing party.
- 374 (2) *Denials.* A denial shall fairly respond to the substance of the allegation.
- 375 (3) *General and Specific Denials.* A party that intends in good faith to deny all
376 the allegations of a pleading, including the jurisdictional grounds, may do so
377 by a general denial. A party that does not intend to deny all the allegations
378 shall either specifically deny designated allegations or generally deny all
379 except those specifically admitted.
- 380 (4) *Denying Part of an Allegation.* A party that intends in good faith to deny only
381 part of an allegation shall admit the part that is true and deny the rest.
- 382 (5) *Lacking Knowledge or Information.* A party that lacks knowledge or
383 information sufficient to form a belief about the truth of an allegation shall so
384 state, and the statement has the effect of a denial.
- 385 (6) *Effect of Failing to Deny.* An allegation, other than an allegation relating to
386 the amount of damages, is admitted if a responsive pleading is required and
387 the allegation is not denied. If a responsive pleading is not required, an
388 allegation shall be denied or avoided.
- 389 (c) *Affirmative Defenses.* Responding to a pleading, a party shall affirmatively state any
390 avoidance or affirmative defense, including:
- 391 (1) accord and satisfaction;
- 392 (2) arbitration and award;
- 393 (3) assumption of risk;
- 394 (4) contributory negligence;
- 395 (5) duress;
- 396 (6) estoppel;
- 397 (7) failure of consideration;
- 398 (8) fraud;
- 399 (9) illegality;
- 400 (10) injury by fellow servant;
- 401 (11) laches;
- 402 (12) license;
- 403 (13) payment;
- 404 (14) release;
- 405 (15) res judicata;
- 406 (16) statute of frauds;
- 407 (17) statute of limitations; and
- 408 (18) Waiver.
- 409 (d) *Mistaken Designation.* If a party mistakenly designates a defense as a counterclaim,
410 or a counterclaim as a defense, the Court shall, if justice requires, treat the pleading as
411 though it were correctly designated, and may impose terms for doing so.

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412 (e) *Caption*. Every pleading shall contain a caption heading with the name of the Court,
413 the title of the action, the trial docket number (if known) and a designation as to what
414 kind of pleading it is.

415 (1) The title of the complaint shall name all the names of the parties, mailing
416 address, phone number and agent or other contact person, if known.

417 (2) The name of the first party on each side may be used in all pleadings except
418 the initial complaint, which shall include all litigants.

419 (3) In the interest of judicial efficiency, the Court may amend a caption heading
420 at any time to accurately identify the parties to the action.

421 (f) *Paragraphs*. All statements of the complaint and answer shall be set forth in separate
422 numbered paragraphs which shall be limited, as close as practicable, to a single
423 occurrence, event, circumstance or issue.

424 (g) *References and Exhibits*. Pleadings may adopt, by reference, any statements
425 elsewhere in the same pleading or in any other pleading or motion. A copy of a written
426 instrument that is an exhibit or attachment is a part of the pleading for all purposes.
427 References shall be clear and specific to a particular document or other piece of evidence.

428 (h) *Paper*. Where possible, all papers filed with the Court shall be on letter sized paper
429 (8.5 x 11), typed with 1.5 line spacing, and have at least a one inch (1”) margin on all
430 sides.

431 (i) *Copies Submitted*. Parties filing papers with the Court shall include one original and
432 one (1) copy for use by the Court.

433 (1) Parties shall serve one (1) copy of said papers to the opposing party or if
434 represented, to opposing party’s attorney or advocate.

435 (2) Failure to supply sufficient copies to the Court may result in a copy fee
436 assigned to the filing party.

437 803.7-4. *Form of Motion*. A request for a Court order shall be made by motion. The motion
438 shall:

439 (a) Be in writing unless made during a hearing or trial;

440 (b) State with particularity the grounds for seeking the order; and

441 (c) State the relief sought.

442 803.7-5. *Procedure*. All parties filing any motion for consideration by the Court shall serve
443 such motion at least fourteen (14) days prior to the hearing and shall adhere to the following
444 procedure, except where the Court determines that the application of the time limits would be
445 impractical in an individual case:

446 (a) The moving party shall submit the motion to the Court, with proof of service.

447 (b) From the date that the motion is filed with the Court, the opposing party shall have
448 fourteen (14) days to file with the Court and serve on any opposing party, a written
449 response to the motion.

450 (c) Non-substantive procedural motions, such as a motion for extension, motion to
451 submit additional pages, notice of representation, etc. may be granted or denied
452 immediately by the Court and without a response from the opposing party.

453 (d) Motions filed with the Court less than fourteen (14) days prior to a hearing may be
454 considered at or before the hearing, if justice so requires. An opportunity shall be given
455 to the non-moving party to respond verbally or in writing to the motion at or before the
456 hearing.

457 803.7-6. *Supporting Affidavits*. Any affidavit supporting a motion shall be served with the
458 motion. Any opposing affidavit shall be served at least seven (7) days before the hearing, unless
459 the Court permits service at another time.

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**803.8. Signing Pleadings, Motions, and Other Papers; Representations to the Court;
Sanctions**

803.8-1. *Signature.* Every pleading, motion or other paper shall be signed by the party or the party's attorney or advocate, if represented by an attorney or advocate. Every pleading, motion or other paper shall state the signer's address and telephone number.

(a) The Court shall strike an unsigned paper unless the omission is promptly corrected within a reasonable period of time after being called to the attorney's, advocate's or party's attention.

(b) A pleading need not be verified or accompanied by an affidavit.

803.8-2. *Representations to the Court.* By presenting to the Court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it, an attorney, advocate or unrepresented party certifies that to the best of the person's knowledge, information, and belief formed after an inquiry reasonable under the circumstances that:

(a) It is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(b) The claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law or for establishing new law;

(c) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(d) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

803.8-3. *Sanctions.*

(a) *In General.* If, after notice and a reasonable opportunity to respond, the Court determines that Rule 803.8-2 has been violated, the Court may impose an appropriate sanction on any attorney, law firm, advocate, or party that violated the Rule or is responsible for the violation. Absent exceptional circumstances, a law firm shall be held jointly responsible for a violation committed by its partner, associate, or employee.

(b) *Motion for Sanctions.* A motion for sanctions shall be made separately from any other motion and shall describe the specific conduct that allegedly violates Rule 803.8-2. The motion shall be served under Rule 803.5-6, but it shall not be filed or be presented to the Court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within twenty-one (21) days after service or within another time the Court sets. If warranted, the Court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

(c) *On the Court's Initiative.* On its own, the Court may order an attorney, law firm, advocate, or party to show cause why the representations to the Court have not violated Rule 803.8-2.

(d) *Nature of a Sanction.* A sanction imposed under this Rule shall be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into the Court; or if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation.

(e) *Limitations on Monetary Sanctions.* The Court shall not impose a monetary sanction:

(1) Against a represented party for violating Rule 803.8-2; or

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508 (2) On its own, unless a party failed to show cause under Rule 803.8-3(c).
509 (f) *Requirements for an Order.* An order imposing a sanction shall describe the
510 sanctioned conduct and explain the basis for the sanction.

511 803.8-4. *Inapplicability to Discovery.* This Rule, 803.8, shall not apply to disclosures, requests,
512 responses, objections and motions made during discovery under Rules 803.14 through 803.20.
513

514 **803.9 Defenses and Objections: When and How Presented; Motion for Judgment on the**
515 **Pleadings; Consolidated Motions; Waiving Defenses; Pretrial Hearing**

516 803.9-1. *Time to Serve a Responsive Pleading.*

517 (a) *In General.* Except as otherwise provided by this Law or other Tribal Law, the time
518 for serving a responsive pleading is as follows:

519 (1) A party shall serve an answer to a complaint, counterclaim, crossclaim or
520 third-party claim within twenty (20) days after being served with the pleading that
521 states the complaint, counterclaim, crossclaim or third-party claim.

522 (2) A party shall serve a reply to an answer within twenty (20) days after being
523 served with an order to reply, unless the order specifies a different time.

524 (3) A party may answer or reply orally at a hearing with the Court's permission.

525 (b) *Effect of a Motion.* Unless the Court sets a different time, serving a motion under this
526 Rule alters these periods as follows:

527 (1) If the Court denies the motion or postpones its disposition until trial, the
528 responsive pleading shall be served within fourteen (14) days after notice of the
529 Court's action; or

530 (2) If the Court grants a motion for a more definite statement, the responsive
531 pleading shall be served within fourteen (14) days after the more definite
532 statement is served.

533 803.9-2. *How to Present Defenses.*

534 (a) Every defense to a claim for relief in any pleading shall be asserted in the responsive
535 pleading if one is required, except those listed below. If a responsive pleading is not
536 required, any defense may be asserted at hearing. A party may assert the following
537 defenses by motion:

538 (1) Lack of subject-matter jurisdiction;

539 (2) Lack of personal jurisdiction;

540 (3) Improper venue;

541 (4) Insufficient process;

542 (5) Insufficient service of process;

543 (6) Failure to state a claim upon which relief can be granted; and

544 (7) Failure to join a party.

545 (b) A motion asserting any of these defenses shall be made before pleading if a
546 responsive pleading is required. If a pleading sets out a claim for relief that does not
547 require a responsive pleading, an opposing party may assert at trial any defense to that
548 claim. No defense or objection is waived by joining it with one (1) or more other
549 defenses or objections in a responsive pleading or in a motion.

550 803.9-3. *Motion for Judgment on the Pleadings.* Pleadings are closed when every pleading
551 asserting a claim, counter-claim or crossclaim has been answered. After the pleadings are
552 closed, but early enough not to delay trial, a party may move for judgment on the pleadings.

553 803.9-4. *Result of Presenting Matters Outside the Pleadings.* If, on a motion under Rule 803.9-
554 2(a)(6) or 803.9-3, matters outside the pleadings are presented to and not excluded by the Court,
555 the motion shall be treated as one for summary judgment. All parties shall be given a reasonable

556 opportunity to present all the material that is pertinent to the motion.

557 803.9-5. *Motion for a More Definite Statement.* A party may move for a more definite
558 statement of a pleading to which a responsive pleading is allowed but which is so vague or
559 ambiguous that the party cannot reasonably prepare a response. The motion shall be made before
560 filing a responsive pleading and shall point out the defects complained of and the details desired.
561 If the Court orders a more definite statement and the order is not obeyed within fourteen (14)
562 days after notice of the order or within the time the Court sets, the Court may strike the pleading
563 or issue any other appropriate order.

564 803.9-6. *Motion to Strike.* The Court may strike from a pleading an insufficient defense or any
565 redundant, immaterial, impertinent, or scandalous matter. The Court may act:

566 (a) On its own; or

567 (b) On motion made by a party either before responding to the pleading or, if a response
568 is not allowed, within twenty-one (21) days after being served with the pleading.

569 803.9-7. *Joining Motions.*

570 (a) *Right to Join.* A motion under this section may be joined with any other motion
571 allowed by this section.

572 (b) *Limitation on Further Motions.* Except as required in Rule 803.9-8(b) or (c), a party
573 that makes a motion under Rule 803.9-2(a) shall not make another motion under Rule
574 803.9-2(a) raising a defense or objection that was available to the party but omitted from
575 its earlier motion.

576 803.9-8. *Waiving and Preserving Certain Defenses.*

577 (a) *When Some Are Waived.* A party waives any defense listed in Rule 803.9-2(a)(2)–(5)
578 by:

579 (1) Omitting it from a motion in the circumstances described in Rule 803.9-7(b);
580 or

581 (2) Failing to either:

582 (A) Make it by motion under this Rule; or

583 (B) Include it in a responsive pleading or in an amendment allowed by
584 Rule 803.11-1 as a matter of course.

585 (b) *When to Raise Others.* The following may be raised in any pleading, by motion, or at
586 trial:

587 (1) Failure to state a claim upon which relief can be granted;

588 (2) Failure to join a necessary party; and/or

589 (3) Failure to state a legal defense to a claim.

590 (c) *Lack of Subject-Matter Jurisdiction.* If the Court determines at any time that it lacks
591 subject-matter jurisdiction, the Court shall dismiss the action.

592 803.9-9. *Hearing Before Trial.* Upon the motion of any party, the Court may hear and decide
593 the following prior to trial, unless the Court orders a deferral until trial:

594 (a) any defense listed in Rule 803.9-2(a), or

595 (b) a motion for judgment on the pleadings.

596

597 **803.10. Counterclaim; Crossclaim; Third-Party Claim;**

598 803.10-1. *Counterclaim.*

599 (a) A party against whom a claim has been made may assert a claim against the opposing
600 party if the claim:

601 (1) Arises out of the same transaction or occurrence that is the subject-matter of
602 the opposing party's claim; and

603 (2) Does not require adding another party over whom the Court cannot acquire

604 jurisdiction.

605 (b) *Exception.* The pleader may not assert the claim if the claim is subject to another
606 pending action.

607 (c) *Relief.* A counterclaim need not diminish or defeat the recovery sought by the
608 opposing party. It may request relief that exceeds in amount or differs in kind from the
609 relief sought by the opposing party.

610 803.10-2. *Crossclaim.* A party against whom a claim is made may assert a claim against a co-
611 party if the claim arises out of the same transaction or occurrence that is the subject-matter of the
612 original action or of a counterclaim.

613 803.10-3. *Third-Party Claim.* A party against whom a claim is made may assert against a third-
614 party any claim arising out of the same transaction or occurrence, alleging that the third-party is
615 liable for part or the entire claim of the opposing party. A party asserting a third-party claim
616 shall, by motion, obtain the Court’s leave if it files the third-party claim more than fourteen (14)
617 days after serving its original answer. If any person or entity believes it should be included in a
618 case, it may motion the Court to be joined as a third-party.

619

620 **803.11. Amended Pleadings**

621 803.11-1. *Amendments Before Trial.* A party may amend any pleading once within ten (10)
622 days of the original filing, unless an answer has already been filed. If an answer has been filed,
623 any amendments may only be made with the opposing party’s written consent or with the
624 Court’s permission. The Court shall freely give permission when justice so requires.

625 (a) Unless the Court orders otherwise, any required response to an amended pleading
626 shall be made within the time remaining to respond to the original pleading or within
627 fourteen (14) days after service of the amended pleading, whichever is later.

628 803.11-2. *Amendments During and After Trial.*

629 (a) *Based on an Objection at Trial.* If, at trial, a party objects that evidence is not within
630 the issues raised in the pleadings, the Court may permit the pleadings to be amended.
631 The Court should freely permit an amendment when doing so will aid in presenting the
632 merits and the objecting party fails to satisfy the Court that the evidence would prejudice
633 that party’s action or defense on the merits. The Court may grant a continuance to enable
634 the objecting party to provide evidence to satisfy the Court that the evidence would
635 prejudice their action or defense on the merits.

636 (b) *For Issues Tried by Consent.* When an issue not raised by the pleadings is tried by
637 the parties’ express or implied consent, it shall be treated in all respects as if raised in the
638 pleadings. A party may move—at any time, even after judgment—to amend the
639 pleadings to conform to the evidence and to raise an unpleaded issue. However, failure
640 to amend shall not affect the outcome of that issue.

641

642 **803.12. Pretrial Meeting and Filing**

643 803.12-1. *Purposes of a Pretrial Meeting.*

644 (a) Upon written request of either party or the Court’s own initiative, a pretrial meeting
645 shall be scheduled directing the attorneys or advocates and any unrepresented parties to
646 appear, for such purposes as:

647 (1) Expediting disposition of the action;

648 (2) Establishing early and continuing control so that the case will not be
649 protracted because of lack of management;

650 (3) Discouraging wasteful pretrial activities;

651 (4) Improving the quality of the trial through more thorough preparation,

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652 including a discovery plan. A discovery plan shall state the parties' views and
653 proposals on:

654 (A) what changes should be made in the timing, form, or requirement for
655 disclosures under Rules 803.14-2 and 803.14-5, including a statement of
656 when initial disclosures were made or will be made;

657 (B) the subjects on which discovery may be needed, when discovery
658 should be completed, and whether discovery should be conducted in
659 phases or be limited to or focused on particular issues;

660 (C) any issues about disclosure or discovery of electronically stored
661 information, including the form or forms in which it should be produced;

662 (D) any issues about claims of privilege or of protection as trial-
663 preparation materials, including—if the parties agree on a procedure to
664 assert these claims after production— whether to ask the Court to include
665 their agreement in an order;

666 (E) what changes should be made in the limitations on discovery imposed
667 under this Law or by local rule, and what other limitations should be
668 imposed; and

669 (F) any other orders that the Court should issue under Rule 803.14-6 or
670 under Rules 803.12-1(c) and (e); and

671 (5) Facilitating settlement.

672 (A) If the parties request or agree to participate in peacemaking or
673 mediation, the trial proceedings may be stayed up to forty-five (45) days
674 in order for the parties to work towards reaching an acceptable solution.
675 The Court shall appoint a peacemaker or mediator when necessary.

676 (B) If the parties are close to a resolution, but need more time, they may
677 move the Court for an extension of the stay. The extension shall not
678 exceed an additional thirty (30) days.

679 (b) *Parties' Responsibility*. In conferring, the parties shall consider the nature and basis
680 of their claims and defenses and the possibilities for promptly settling or resolving the
681 case; make or arrange for the disclosures required by Rules 803.14-2 and 803.14-5;
682 discuss any issues about preserving discoverable information; develop a proposed
683 discovery plan; and prepare a pretrial statement.

684 (1) The attorneys or advocates of record and all unrepresented parties that have
685 appeared in the case shall be jointly responsible for arranging the meeting, for
686 attempting in good faith to agree on the proposed discovery plan, preparing the
687 pretrial statement, and for submitting to the Court within fourteen (14) days after
688 the meeting a written report outlining the plan and the pretrial statement. The
689 Court may order the parties, advocates or attorneys to attend the meeting in
690 person. The pretrial statement shall contain the following:

691 (A) The uncontested facts deemed material;

692 (B) The uncontested issues of fact and law as the attorneys or advocates
693 or unrepresented parties can agree are material or applicable;

694 (C) A separate statement by each party of other issues of fact or law
695 which that party believes material;

696 (D) A list of the witnesses intended to be used by each party during the
697 trial, other than those intended to be used solely for impeachment. No
698 witnesses shall be used at the trial other than those listed, except to
699 prevent injustice; and

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700 (E) A list of the exhibits which each party intends to use at trial, other
701 than those intended to be used solely for impeachment, specifying
702 exhibits which the parties agree are admissible at trial. No exhibits shall
703 be used during the trial other than those listed, except to prevent
704 injustice.

705 (c) During pretrial meetings, the Court may take appropriate action including, but not
706 limited to:

- 707 (1) Any matters which will aid in the simplification, clarification, settlement or
708 disposition of the case;
709 (2) Additional or deleted procedures to be followed at the hearing;
710 (3) Settlement discussions;
711 (4) The necessity or desirability of amending the pleadings;
712 (5) The appropriateness and timing of a summary judgment;
713 (6) The control and scheduling of discovery;
714 (7) The identification of witnesses and documents, the need and schedule for
715 filing and exchanging of pretrial briefs, the dates for further pretrial meetings and
716 trial;
717 (8) The disposition of pending motions;
718 (9) The need for adopting special procedures for managing potentially difficult or
719 protracted actions that may involve complex issues, multiple parties, difficult
720 legal questions, or unusual proof problems;
721 (10) Obtaining admissions and stipulations about facts and documents to avoid
722 unnecessary proof, and ruling in advance on the admissibility of evidence; and
723 (11) Facilitating in other ways the just, speedy and inexpensive disposition of the
724 action.

725 (d) Unless the Court orders otherwise, one (1) pretrial meeting shall be scheduled at least
726 twenty-one (21) days prior to a formal hearing.

727 (1) Subsequent pretrial meetings may be scheduled at any time before trial,
728 provided that, at least one (1) has taken place earlier than twenty-one (21) days
729 before a formal hearing or other time set by the Court.

730 (2) The Court may, in its discretion, forgo pretrial meetings under this Rule.

731 (e) Scheduling Order. The Court shall issue a scheduling order as soon as practicable,
732 but in any event within the earlier of sixty (60) days after any defendant has been served
733 with the complaint or forty-five (45) days after any defendant has appeared. The
734 scheduling order shall limit the time to join other parties, amend the pleadings, complete
735 discovery and file motions. A schedule may be modified only for good cause and with
736 the Court's consent. The scheduling order may include, but is not limited to:

- 737 (1) modifying the timing of disclosures under Rules 803.14-2 and 803.14-5;
738 (2) modifying the extent of discovery;
739 (3) providing for disclosure or discovery of electronically stored information;
740 (4) any agreements the parties reach for asserting claims of privilege or of
741 protection as trial preparation material after information is produced;
742 (5) setting dates for pretrial meetings and for trial; and
743 (6) other appropriate matters.

744 803.12-2. *Pretrial Filing Procedure*

745 (a) *Submission of Documents.* Parties shall submit all documents including, but not
746 limited to, proposed exhibits and other evidence (or copies) that a party plans to use at
747 trial for the Court to review not less than two (2) days prior to a scheduled hearing.

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748 (1) Documents submitted after this time or at the time of the hearing shall only be
749 admitted if the Court determined that:

750 (A) The documentation has a direct impact upon the outcome of the
751 hearing;

752 (B) Is admissible under this Law or the Rules of Evidence; and

753 (C) Good cause is shown as to why the submission is untimely.

754 803.12-3. *Pretrial Orders*. After any meeting under this Rule, the Court shall issue an order
755 reciting the action taken. This order controls the course of the action unless the Court modifies it.

756 803.12-4. *Final Pretrial Meeting and Orders*. The Court may hold a final pretrial meeting to
757 formulate a trial plan, including a plan to facilitate the admission of evidence. The meeting shall
758 be held as close to the start of trial as is reasonable, and shall be attended by at least one (1)
759 attorney or advocate who shall conduct the trial for each party and by any unrepresented party.
760 The Court may modify the order issued after a final pretrial meeting only to prevent manifest
761 injustice.

762 803.12-5. *Sanctions*.

763 (a) *In General*. On motion or on its own, the Court may issue any just orders, including
764 those authorized by Rule 803.20-2(b)(1), if a party or its attorney or advocate:

765 (1) Fails to appear at a scheduling or other pretrial meeting;

766 (2) Is substantially unprepared to participate—or does not participate in good
767 faith—in the meeting; or

768 (3) Fails to obey a scheduling or other pretrial order.

769 (b) *Imposing Fees and Costs*. Instead of or in addition to any other sanction, the Court
770 shall order the party, its attorney or advocate, or all to pay the reasonable expenses—
771 including attorney’s fees—incurred because of any noncompliance with this Rule, unless
772 the noncompliance was substantially justified or other circumstances make an award of
773 expenses unjust.

774

775 **803.13. Substitution of Parties**

776 803.13-1. *Death of a Party*.

777 (a) *Substitution if the Claim Is Not Extinguished*. If a party dies and the claim is not
778 extinguished, the Court may order substitution of the proper party. A motion for
779 substitution may be made by any party or by the decedent’s successor or representative.
780 If the motion is not made within ninety (90) days after service, to the Court and all other
781 parties, of a statement noting the death, the action by or against the decedent shall be
782 dismissed.

783 (b) *Continuation Among the Remaining Parties*. After a party’s death, if the right sought
784 to be enforced survives only to or against the remaining parties, the action shall not abate,
785 but proceeds in favor of or against the remaining parties. The death shall be noted on the
786 record.

787 (c) *Service*. A motion to substitute, together with a notice of hearing, shall be served on
788 the parties. A statement noting death shall be served in the same manner.

789 803.13-2. *Incompetency*. If a party becomes incompetent, the Court may, on its own or on
790 motion, permit the action to be continued by or against the party’s representative.

791 803.13-3. *Transfer of Interest*. If an interest is transferred, the action may be continued by or
792 against the original party unless the Court, on motion, orders the transferee to be substituted in
793 the action or joined with the original party.

794

795 **803.14. Discovery**

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- 796 803.14-1. *Scope.* Unless otherwise limited by Court order, the scope of discovery is as follows:
797 (a) Parties may obtain discovery regarding any nonprivileged matter that is relevant to
798 any party’s claim or defense—including the existence, description, nature, custody,
799 condition, and location of any documents or other tangible things and the identity and
800 location of persons who know of any discoverable matter.
801 (b) For good cause, the Court may order discovery of any matter relevant to the subject
802 matter involved in the action. Relevant information need not be admissible at the trial if
803 the discovery appears reasonably calculated to lead to the discovery of admissible
804 evidence. All discovery is subject to the limitations imposed by Rule 803.14-3.
- 805 803.14-2. *Required Disclosures.* A party shall, without awaiting a discovery request, provide to
806 the other parties:
807 (a) The name and, if known, the address and telephone number of each individual likely
808 to have discoverable information along with the subjects of that information that the
809 disclosing party may use to support its claims or defenses, unless the use would be solely
810 for impeachment;
811 (b) A copy or a description by category and location—of all documents, electronically
812 stored information, and tangible things that the disclosing party has in its possession,
813 custody, or control and may use to support its claims or defenses, unless the use would be
814 solely for impeachment;
815 (c) A computation of each category of damages claimed by the disclosing party;
816 (d) For inspection and copying as under Rule 803.17, any insurance agreement under
817 which an insurance business may be liable to satisfy all or part of a possible judgment in
818 the action or to indemnify or reimburse for payments made to satisfy the judgment.
819 (e) *Exceptions.* Required disclosures under this section may be excused, at the Courts
820 discretion, in a Family Court case.
- 821 803.14-3. *Limitations.* On motion or on its own, the Court shall limit the frequency or extent of
822 discovery otherwise allowed by this Law if it determines that:
823 (a) The discovery sought is unreasonably cumulative or duplicative, or can be obtained
824 from some other source that is more convenient, less burdensome, or less expensive; or
825 (b) The party seeking discovery has had ample opportunity to obtain the information by
826 discovery in the action; or
827 (c) The burden or expense of the proposed discovery outweighs its likely benefit,
828 considering the needs of the case, the amount in controversy, the parties’ resources, the
829 importance of the issues at stake in the action, and the importance of the discovery in
830 resolving the issues.
- 831 803.14-4. *Time for Required Disclosures.* A party shall make the required disclosures at the
832 parties’ Rule 803.12 pretrial meeting unless a different time is set by the Court.
- 833 803.14-5. *Required Pretrial Disclosures.*
834 (a) In addition to the disclosures required by Rule 803.14-2, a party shall provide to the
835 other parties and promptly file the following information about the evidence that it
836 may present at trial other than solely for impeachment:
837 (1) the name and, if not previously provided, the address and telephone number of
838 each witness—separately identifying those the party expects to present and
839 those it may call if the need arises;
840 (2) the designation of those witnesses whose testimony the party expects to
841 present by deposition and, if not taken stenographically, a transcript of the
842 pertinent parts of the deposition; and
843 (3) an identification of each document or other exhibit, including summaries of

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844 other evidence—separately identifying those items the party expects to offer
845 and those it may offer if the need arises.

846 (b) *Time for Required Pretrial Disclosures; Objections.* Unless the Court orders
847 otherwise, these disclosures shall be made at least 30 (thirty) days before trial.
848 Within fourteen (14) days after they are made, unless the Court sets a different time, a
849 party may serve and promptly file a list of the following objections: any objections to
850 the use of a deposition designated by another party under Rule 803.14-5(a)(2) and any
851 objection, together with the grounds for it, that may be made to the admissibility of
852 materials identified under Rule 803.14-5(a)(3). An objection not so made—except
853 for one under Oneida Judiciary Rules of Evidence, Rules 155.7-2 or 155.7-3—is
854 waived unless excused by the Court for good cause.

855 803.14-6. *Protective Order.* A party or any person or entity from which discovery is sought
856 may move for a protective order from the Court. The motion shall include a certification that the
857 movant has in good faith conferred or attempted to confer with the other parties, persons or
858 entities in an effort to resolve the issue without Court action. The Court may issue an order to
859 protect a party or person from annoyance, embarrassment, oppression, or undue burden or
860 expense, including one (1) or more of the following:

- 861 (a) Forbidding the disclosure or discovery;
- 862 (b) Specifying terms, including time and place, for the disclosure or discovery;
- 863 (c) Prescribing a discovery method other than the one selected by the party seeking
864 discovery;
- 865 (d) Forbidding inquiry into certain matters, or limiting the scope of disclosure, or
866 discovery to certain matters;
- 867 (e) Designating the persons who may be present while the discovery is conducted;
- 868 (f) Requiring that a deposition be sealed and opened only on Court order;
- 869 (g) Requiring that the parties simultaneously file specified documents or information in
870 sealed envelopes, to be opened as the Court directs;
- 871 (h) Redacting sensitive documents; or
- 872 (i) Any other order necessary to ensure discovery is conducted fairly.

873 803.14-7. *Supplementing Disclosures and Responses.* A party or person who has made a
874 disclosure or who has responded to an interrogatory, request for production, or request for
875 admission, shall supplement or correct its disclosure or response:

- 876 (a) In a timely manner if the party learns that in some material respect the disclosure or
877 response is incomplete or incorrect, and if the additional or corrective information has not
878 otherwise been made known to the other parties during the discovery process or in
879 writing; or
- 880 (b) As ordered by the Court.

881 803.14-8. *Signature Required; Effect of Signature.*

882 (a) Every disclosure under Rule 803.14-2 and 803.14-5 and every discovery request,
883 response, or objection shall be signed by at least one (1) attorney or advocate of record in
884 the attorney's or advocate's own name—or by the party personally, if unrepresented—
885 and shall state the signer's address and telephone number. By signing, an attorney,
886 advocate or party certifies that to the best of the person's knowledge, information, and
887 belief formed after a reasonable inquiry that:

- 888 (1) With respect to a disclosure, it is complete and correct as of the time it is
889 made; and
- 890 (2) With respect to a discovery request, response, or objection, it is:
 - 891 (A) Consistent with this Law and warranted by existing law or by a

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892 nonfrivolous argument for extending, modifying, or reversing existing
893 law, or for establishing new law;

894 (B) Not used for any improper purpose, such as to harass, cause
895 unnecessary delay, or needlessly increase the cost of litigation; and

896 (C) Neither unreasonable nor unduly burdensome or expensive,
897 considering the needs of the case, prior discovery in the case, the amount
898 in controversy, and the importance of the issues at stake in the action.

899 (b) *Failure to Sign.* Other parties have no duty to act on an unsigned disclosure, request,
900 response, or objection until it is signed, and the Court shall strike it unless a signature is
901 promptly supplied after the omission is called to the attorney's, advocate's or party's
902 attention.

903 803.14-9. *Failure to Disclose.* If a party fails to respond or appear for discovery under this
904 Rule, the opposing party may move for an order to compel the defaulting party to perform. The
905 Court may award costs to the non-defaulting party.

906 (a) If a party fails to perform after being ordered to do so by the Court, the Court may
907 order any sanction under Rule 803.20-2(b)(1).

908 803.14-10. *Information Produced.* If information produced in discovery is subject to a claim of
909 privilege or of protection as trial-preparation material, the party making the claim may notify any
910 party that received the information of the claim and the basis for it. After being notified, a party:

911 (a) Shall promptly return, sequester, or destroy the specified information and any copies
912 it has;

913 (b) Shall not use or disclose the information until the claim is resolved;

914 (c) Shall take reasonable steps to retrieve the information if the party disclosed it before
915 being notified; and

916 (d) May promptly present the information to the Court under seal for a determination of
917 the claim. The producing party shall preserve the information until the claim is resolved.

918

919 **803.15. Depositions**

920 803.15-1. *Generally.* All depositions shall be taken under oath or under penalty of perjury
921 before a person authorized to administer oaths or a person appointed by the Court to
922 administer oaths and take testimony.

923 (a) *When a Deposition May Be Taken.* A party may, by oral and/or written questions,
924 depose any person, including a party, at any time if consented to orally or in writing by
925 such person being deposed, or during the time set during the pretrial meeting under Rule
926 803.12-1(a).

927 (b) *Notice.* A party who wants to depose a person shall give reasonable written notice to
928 every other party. The notice shall state the time and place of the deposition and, if
929 known, the deponent's name and address.

930 (1) Not less than ten (10) days' notice shall be given, if deposing an adverse party
931 or non-party witness.

932 (c) *Service; Required Notice.*

933 (1) A party who wants to depose a person by written questions shall serve such
934 questions on every other party.

935 (2) Any questions to the deponent from other parties shall be served on all parties
936 as follows: cross-questions, within seven (7) days after being served with the
937 notice and direct questions; redirect questions, within seven (7) days after being
938 served with cross-questions; and recross-questions, within seven (7) days after
939 being served with redirect questions. The Court may, for good cause, extend or

940 shorten these times.

941 (d) *Producing Documents.* If a subpoena requiring production of documents is to be
942 served on the deponent, the materials designated for production shall be listed in the
943 notice or in an attachment.

944 (e) *Transcripts.* A transcript of the deposition shall be made and shall be available for
945 use by the parties and the Court. The deposing party bears the cost of recording. Each
946 party shall bear its own cost of obtaining transcripts.

947 (f) *Objections.* An objection at the time of the examination—whether to evidence, to a
948 party’s conduct, to the manner of taking the deposition, or to any other aspect of the
949 deposition—shall be noted on the record, but the examination shall still proceed; the
950 testimony is taken subject to any objection. An objection shall be stated concisely in a
951 nonargumentative and nonsuggestive manner. A person may instruct a deponent not to
952 answer only when necessary to preserve a privilege or to enforce a limitation ordered by
953 the Court.

954 (g) *Duration.* Unless otherwise stipulated or ordered by the Court, a deposition shall be
955 limited to two (2) days, with questioning occurring for up to seven (7) hours per day.

956 803.15-2. *Sanction.* The Court may impose an appropriate sanction—including the reasonable
957 expenses and attorney’s fees incurred by any party—on a person who impedes, delays, or
958 frustrates the fair examination of the deponent.

959 803.15-3. *Motion to Terminate or Limit.*

960 (a) *Grounds.* At any time during a deposition, the deponent or a party may move to
961 terminate or limit it on the ground that it is being conducted in bad faith or in a manner
962 that unreasonably annoys, embarrasses, or oppresses the deponent or party. If the
963 objecting deponent or party so demands, the deposition shall be suspended for the time
964 necessary to obtain an order.

965 (b) *Order.* The Court may order that the deposition be terminated or may limit its scope
966 and manner as provided in Rule 803.14-6. If terminated, the deposition may be resumed
967 only by order of the Court.

968

969 **803.16. Interrogatories**

970 803.16-1. *In General.*

971 (a) Unless otherwise stipulated or ordered by the Court, a party may serve on any other
972 party no more than twenty-five (25) written interrogatories. Parties shall not evade this
973 limitation through the device of joining as “subparts” questions that seek information
974 about separate subjects. However, a question asking about communications of a
975 particular type shall be treated as a single interrogatory even though it requests that the
976 time, place, persons present, and contents be stated separately for each such
977 communication. Leave to serve additional interrogatories may be granted to the extent
978 consistent with Rule 803.14-3. (b) An interrogatory may relate to any matter that may be
979 inquired into under Rule 803.14-1. An interrogatory is not objectionable merely because
980 it asks for an opinion or contention that relates to fact or the application of law to fact, but
981 the Court may order that the interrogatory need not be answered until designated
982 discovery is complete, or until a pretrial meeting or some other time.

983 803.16-2. *Answers and Objections.*

984 (a) *Responding Party.* The interrogatories shall be answered by the party to whom they
985 are directed.

986 (b) *Time to Respond.* The responding party shall serve its answers and any objections
987 within twenty (20) days after being served with the interrogatories. A shorter or longer

988 time may be ordered by the Court.

989 (c) *Answering Each Interrogatory.* Each interrogatory shall, to the extent it is not
990 objected to, be answered separately and fully in writing under oath or penalty of perjury.

991 (d) *Objections.* The grounds for objecting to an interrogatory shall be stated with
992 specificity. Any ground not stated in a timely objection is waived unless the Court, for
993 good cause, excuses the failure.

994 (e) *Signature.* The person who makes the answers shall sign them, and the person who
995 objects shall sign any objections.

996

997 **803.17. Producing Documents, Electronically Stored Information, and Tangible Things, or**
998 **Entering onto Land, for Inspection and Other Purposes**

999 803.17-1. *In General.* A party may serve on any other party a request within the scope of Rule
1000 803.14:

1001 (a) To produce and permit the requesting party or its representative to inspect, copy, test,
1002 or sample the following items in the responding party's possession, custody, or control:

1003 (1) Any designated documents or electronically stored information—including
1004 writings, drawings, graphs, charts, photographs, sound recordings, images, and
1005 other data or data compilations—stored in any medium from which information
1006 can be obtained either directly or, if necessary, after translation by the responding
1007 party into a reasonably usable form; or

1008 (2) Any designated tangible things.

1009 (b) To permit entry onto designated land or other property possessed or controlled by the
1010 responding party, so that the requesting party or representative may inspect, measure,
1011 survey, photograph, record, test, or sample the property or any designated object or
1012 operation thereon.

1013 803.17-2. *Procedure.*

1014 (a) *Contents of the Request.* The request:

1015 (1) Shall describe with reasonable particularity each item or category of items to
1016 be inspected;

1017 (2) Shall specify a reasonable time, place, and manner for the inspection and for
1018 performing the related acts; and

1019 (3) May specify the form or forms in which electronically stored information is to
1020 be produced.

1021 (b) *Responses and Objections.*

1022 (1) *Time to Respond.* The party to whom the request is directed shall respond in
1023 writing within ten (10) days after being served. A shorter or longer time may be
1024 ordered by the Court.

1025 (2) *Responding to Each Item.* For each item or category, the response shall either
1026 state that inspection and related activities shall be permitted as requested or state
1027 an objection to the request, including the reasons.

1028 (3) *Objections.* An objection to part of a request shall specify the part and permit
1029 inspection of the rest.

1030 (4) *Responding to a Request for Production of Electronically Stored Information.*
1031 The response may state an objection to a requested form for producing
1032 electronically stored information. If the responding party objects to a requested
1033 form—or if no form was specified in the request—the party shall state the form or
1034 forms it intends to use.

1035 (5) *Producing the Documents or Electronically Stored Information.* Unless

1036 otherwise stipulated or ordered by the Court, these procedures apply to producing
1037 documents or electronically stored information:

1038 (A) A party shall produce documents as they are kept in the usual course
1039 of business or shall organize and label them to correspond to the
1040 categories in the request;

1041 (B) If a request does not specify a form for producing electronically
1042 stored information, a party shall produce it in a form or forms in which it
1043 is ordinarily maintained or in a reasonably usable form or forms; and

1044 (C) A party need not produce the same electronically stored information
1045 in more than one (1) form.

1046 803.17-3. *Nonparties*. A nonparty may be compelled to produce documents and tangible things
1047 or to permit an inspection in accordance with this section.

1048

1049 **803.18. Physical and Mental Examinations**

1050 803.18-1. *Order for an Examination*.

1051 (a) *In General*. The Court where the action is pending may order a party who's mental
1052 or physical condition—including blood group—is in controversy to submit to a physical
1053 or mental examination by a suitably licensed or certified examiner. The Court has the
1054 same authority to order a party to produce for examination a person who is in its custody
1055 or under its legal control.

1056 (b) *Motion and Notice; Contents of the Order*. The order:

1057 (1) May be made only on motion for good cause and on notice to all parties and
1058 the person to be examined; and

1059 (2) Shall, unless the Court orders otherwise, specify the time, place, manner,
1060 conditions, and scope of the examination, as well as the person or persons who
1061 shall perform it.

1062 803.18-2. *Examiner's Report*.

1063 (a) *Request by the Party or Person Examined*. The party who moved for the
1064 examination shall, on request, deliver to the requester a copy of the examiner's report,
1065 together with like reports of all earlier examinations of the same condition. The request
1066 may be made by the party against whom the examination order was issued or by the
1067 person examined.

1068 (b) *Contents*. The examiner's report shall be in writing and shall set out in detail the
1069 examiner's findings, including diagnoses, conclusions, and the results of any tests.

1070 (c) *Request by the Moving Party*. After delivering the reports, the party who moved for
1071 the examination may request—and is entitled to receive—from the party against whom
1072 the examination order was issued like reports of all earlier or later examinations of the
1073 same condition. But those reports need not be delivered by the party with custody or
1074 control of the person examined if the party shows that it could not obtain them.

1075 (d) *Waiver of Privilege*. By requesting and obtaining the examiner's report, or by
1076 deposing the examiner, the party examined waives any privilege it may have—in that
1077 action or any other action involving the same controversy—concerning testimony about
1078 all examinations of the same condition.

1079 (e) *Failure to Deliver a Report*. The Court on motion may order—on just terms—that a
1080 party deliver the report of an examination. If the report is not provided, the Court may
1081 exclude the examiner's testimony at trial.

1082 (f) *Scope*. This section applies also to an examination made by the parties' agreement,
1083 unless the agreement states otherwise. This section shall not preclude obtaining an

1084 examiner's report or deposing an examiner under other Rules.
1085 (g) *Exception.* The Court may, in its discretion, limit or amend the requirements under
1086 this section.

1087 803.18-3. *Cost of Examination.* The requesting party shall be responsible for the costs of an
1088 examination, unless the Court orders otherwise.
1089

1090 **803.19. Requests for Admission**

1091 803.19-1. *Scope and Procedure.*

1092 (a) *Scope.* A party may serve on any other party a written request to admit, for purposes
1093 of the pending action only, the truth of any matters within the scope of Rule 803.14-1
1094 relating to:

1095 (1) Facts, the application of law to fact, or opinions about either; and

1096 (2) The genuineness of any described documents.

1097 (b) *Time to Respond; Effect of Not Responding.* A matter is admitted unless, within ten
1098 (10) days after being served, the party to whom the request is directed serves on the
1099 requesting party a written answer or objection addressed to the matter and signed by the
1100 party under oath or penalty of perjury. A shorter or longer time for responding may be
1101 ordered by the Court.

1102 (c) *Answer.* If a matter is not admitted, the answer shall specifically deny it or state in
1103 detail why the answering party cannot truthfully admit or deny it. A denial shall fairly
1104 respond to the substance of the matter; and when good faith requires that a party qualify
1105 an answer or deny only a part of a matter, the answer shall specify the part admitted and
1106 qualify or deny the rest. The answering party may assert lack of knowledge or
1107 information as a reason for failing to admit or deny only if the party states that it has
1108 made reasonable inquiry and that the information it knows or can readily obtain is
1109 insufficient to enable it to admit or deny.

1110 (d) *Objections.* The grounds for objecting to a request shall be stated. A party shall not
1111 object solely on the ground that the request presents a genuine issue for trial.

1112 (e) *Motion Regarding the Sufficiency of an Answer or Objection.* The requesting party
1113 may move to determine the sufficiency of an answer or objection. Unless the Court finds
1114 an objection justified, it shall order that an answer be served. On finding that an answer
1115 does not comply with this Rule, the Court may order either that the matter is admitted or
1116 that an amended answer be served. The Court may defer its final decision until a pretrial
1117 meeting or a specified time before trial. Rule 803.20-1(e) applies to an award of
1118 expenses.

1119 803.19-2. *Effects of an Admission, Withdrawing or Amending it.* A matter admitted under this
1120 Rule shall be conclusively established unless the Court, on motion, permits the admission to be
1121 withdrawn or amended. The Court may permit withdrawal or amendment if it would promote
1122 the presentation of the merits of the action and if the Court is not persuaded that it would
1123 prejudice the requesting party in maintaining or defending the action on the merits. An
1124 admission under this Rule is not an admission for any other purpose and shall not be used against
1125 the party in any other proceeding.
1126

1127 **803.20. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions**

1128 803.20-1. *Motion for an Order Compelling Disclosure or Discovery.*

1129 (a) *In General.* On notice to other parties and all affected persons, a party may move for
1130 an order compelling disclosure or discovery. The motion shall include a certification that
1131 the movant has in good faith conferred or attempted to confer with the person or party

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- 1132 failing to make disclosure or discovery in an effort to obtain it without Court action.
- 1133 (b) *Appropriate Court.* A motion for an order to a party or nonparty shall be made in the
- 1134 Court where the action is pending.
- 1135 (c) *Specific Motions.*
- 1136 (1) *To Compel Disclosure.* If a party fails to make a disclosure required by Rule
- 1137 803.14-2 or 803.14-5, any other party may move to compel disclosure and for
- 1138 appropriate sanctions.
- 1139 (2) *To Compel a Discovery Response.* A party seeking discovery may move for
- 1140 an order compelling an answer, designation, production, or inspection. This
- 1141 motion may be made if:
- 1142 (A) A deponent fails to answer a question asked under Rule 803.15;
- 1143 (B) A party fails to answer an interrogatory submitted under Rule 803.16;
- 1144 or
- 1145 (C) A party fails to respond that inspection will be permitted—or fails to
- 1146 permit inspection—as requested under Rule 803.17.
- 1147 (3) *Related to a Deposition.* When taking an oral deposition, the party asking a
- 1148 question may complete or adjourn the examination before moving for an order.
- 1149 (d) *Evasive or Incomplete Disclosure, Answer, or Response.* For purposes of this
- 1150 section, an evasive or incomplete disclosure, answer, or response shall be treated as a
- 1151 failure to disclose, answer, or respond.
- 1152 (e) *Payment of Expenses; Protective Orders.*
- 1153 (1) *If the Motion Is Granted (or Disclosure or Discovery Is Provided After*
- 1154 *Filing).* If the motion is granted, or if the disclosure or requested discovery is
- 1155 provided after the motion was filed, the Court shall, after giving an opportunity to
- 1156 be heard, require the party or deponent whose conduct necessitated the motion,
- 1157 the party, advocate or attorney advising that conduct, or all to pay the movant’s
- 1158 reasonable expenses incurred in making the motion, including attorney’s fees.
- 1159 Provided that the Court shall not order this payment if:
- 1160 (A) The movant filed the motion before attempting in good faith to obtain
- 1161 the disclosure or discovery without Court action;
- 1162 (B) The opposing party’s nondisclosure, response, or objection was
- 1163 substantially justified; or
- 1164 (C) Other circumstances make an award of expenses unjust.
- 1165 (2) *If the Motion Is Denied.* If the motion is denied, the Court may issue any
- 1166 protective order authorized under Rule 803.14-6 and shall, after giving an
- 1167 opportunity to be heard, require the movant, the attorney or advocate filing the
- 1168 motion, or both to pay the party or deponent who opposed the motion its
- 1169 reasonable expenses incurred in opposing the motion, including attorney’s fees.
- 1170 But the Court shall not order this payment if the motion was substantially justified
- 1171 or other circumstances make an award of expenses unjust.
- 1172 (3) *If the Motion Is Granted in Part and Denied in Part.* If the motion is granted
- 1173 in part and denied in part, the Court may issue any protective order authorized
- 1174 under Rule 803.14-6 and may, after giving an opportunity to be heard, apportion
- 1175 the reasonable expenses, including attorney’s fees, for the motion.
- 1176 803.20-2. *Failure to Comply with a Court Order.*
- 1177 (a) *Sanctions.* If the Court orders a deponent to be sworn or to answer a question and the
- 1178 deponent fails to obey, the failure may be treated as contempt of Court.
- 1179 (b) *Sanctions by the Court.*

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1180 (1) *For Not Obeying a Discovery Order.* If a party fails to obey an order to
1181 provide or permit discovery, the Court may issue further just orders. They may
1182 include the following:

1183 (A) Directing that the matters embraced in the order or other designated
1184 facts be taken as established for purposes of the action, as the prevailing
1185 party claims;

1186 (B) Prohibiting the disobedient party from supporting or opposing
1187 designated claims or defenses, or from introducing designated matters in
1188 evidence;

1189 (C) Striking pleadings in whole or in part;

1190 (D) Staying further proceedings until the order is obeyed;

1191 (E) Dismissing the action or proceeding in whole or in part;

1192 (F) Rendering a default judgment against the disobedient party; or

1193 (G) Treating as contempt of Court the failure to obey any order, except an
1194 order to submit to a physical or mental examination.

1195 (2) *For Not Producing a Person for Examination.* If a party fails to comply with
1196 an order under Rule 803.18-1 requiring it to produce another person for
1197 examination, the Court may issue any of the orders listed in Rule 803.20-2(b)(1),
1198 unless the disobedient party shows that it cannot produce the other person.

1199 (3) *Payment of Expenses.* Instead of or in addition to the orders above, the Court
1200 may order the disobedient party, the attorney or advocate advising that party, or
1201 all to pay the reasonable expenses, including attorney's fees, caused by the
1202 failure, unless the failure was substantially justified or other circumstances make
1203 an award of expenses unjust.

1204 803.20-3. *Failure to Disclose, to Supplement an Earlier Response, or to Admit.*

1205 (a) *Failure to Disclose or Supplement.* If a party fails to provide information or identify
1206 a witness as required by Rules 803.14-2, 803.14-5 or 803.14-7, the party shall not use that
1207 information or witness to supply evidence on a motion, at a hearing, or at a trial, unless
1208 the failure was substantially justified or is harmless. In addition to or instead of this
1209 sanction, the Court, on motion and after giving an opportunity to be heard:

1210 (1) May order payment of the reasonable expenses, including attorney's fees,
1211 caused by the failure; and

1212 (2) May impose other appropriate sanctions, including any of the orders listed in
1213 Rule 803.20-2(b)(1).

1214 (b) *Failure to Admit.* If a party fails to admit what is requested under Rule 803.19-
1215 1(a) and if the requesting party later proves a document to be genuine or the matter true,
1216 the requesting party may move that the party who failed to admit pay the reasonable
1217 expenses, including attorney's fees, incurred in making that proof. The Court shall so
1218 order unless:

1219 (1) The request was held objectionable under Rule 803.19-1;

1220 (2) The admission sought was of no substantial importance;

1221 (3) The party failing to admit had a reasonable ground to believe that it might
1222 prevail on the matter; or

1223 (4) There was other good reason for the failure to admit.

1224 803.20-4. *Party's Failure to Attend Its Own Deposition, Serve Answers to Interrogatories, or*
1225 *Respond to a Request for Production.*

1226 (a) *In General.*

1227 (1) *Motion; Grounds for Sanctions.* The Court may, on motion, order sanctions

- 1228 if:
- 1229 (A) A party fails, after being served with proper notice, to appear for that
- 1230 person’s deposition; or
- 1231 (B) A party, after being properly served with interrogatories or a request
- 1232 for production, fails to serve its answers, objections, or written response.
- 1233 (2) *Certification*. A motion for sanctions for failing to answer or respond shall
- 1234 include a certification that the movant has in good faith conferred or attempted to
- 1235 confer with the party failing to act in an effort to obtain the answer or response
- 1236 without Court action.
- 1237 (b) *Unacceptable Excuse for Failing to Act*. A failure described in Rule 803.20-
- 1238 4(a)(1)(A) is not excused on the ground that the discovery sought was objectionable,
- 1239 unless the party failing to act has a pending motion for a protective order under Rule
- 1240 803.14-6.
- 1241 (c) *Types of Sanctions*. Sanctions may include any of the orders listed in Rule 803.20-
- 1242 2(b)(1). Instead of or in addition to these sanctions, the Court shall require the party
- 1243 failing to act, the attorney or advocate advising that party, or both to pay the reasonable
- 1244 expenses, including attorney’s fees, caused by the failure, unless the failure was
- 1245 substantially justified or other circumstances make an award of expenses unjust.
- 1246 803.20-5. *Failure to Provide Electronically Stored Information*. Absent exceptional
- 1247 circumstances, the Court may not impose sanctions under this Law on a party for failing to
- 1248 provide electronically stored information lost as a result of the routine, good-faith operation of an
- 1249 electronic information system.
- 1250 803.20-6. *Failure to Participate in Framing a Discovery Plan or Pretrial Statement*. If a party
- 1251 or its attorney or advocate fails to participate in good faith in developing and submitting a
- 1252 proposed discovery plan or pretrial statement as required by Rule 803.12-1, the Court may, after
- 1253 giving an opportunity to be heard, require that party, advocate or attorney to pay to any other
- 1254 party the reasonable expenses, including attorney’s fees, caused by the failure.
- 1255
- 1256 **803.21. Dismissal of Action**
- 1257 803.21-1. *Voluntary Dismissal*.
- 1258 (a) *By the Plaintiff*.
- 1259 (1) *Without a Court Order*. The plaintiff may dismiss an action without a Court
- 1260 order by filing:
- 1261 (A) A notice of dismissal before the opposing party serves either an
- 1262 answer or a motion for summary judgment; or
- 1263 (B) A stipulation of dismissal signed by all parties who have appeared.
- 1264 (2) *Effect*. Unless the notice or stipulation states otherwise, the dismissal is
- 1265 without prejudice. But if the plaintiff previously dismissed any action based on or
- 1266 including the same claim, a notice of dismissal operates as adjudication on the
- 1267 merits.
- 1268 (b) *By Court Order; Effect*. Except as required in Rule 803.21-1(a)(1), an action may be
- 1269 dismissed at the plaintiff’s request only by Court order, on terms that the Court considers
- 1270 proper. If a defendant has pleaded a counterclaim before being served with the plaintiff’s
- 1271 motion to dismiss, the action may be dismissed over the defendant’s objection only if the
- 1272 counterclaim can remain pending for independent adjudication. Unless the order states
- 1273 otherwise, a dismissal under this paragraph (b) is without prejudice.
- 1274 803.21-2. *Involuntary Dismissal; Effect*. If the plaintiff fails to prosecute or to comply with this
- 1275 Law or a Court order, a defendant may move to dismiss the action or any claim against it. Unless

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1276 the dismissal order states otherwise, a dismissal under this subdivision 803.21-2 and any
1277 dismissal not under this Rule—except one for lack of jurisdiction, improper venue, or failure to
1278 join a party—operates as an adjudication on the merits.

1279 803.21-3. *Dismissing a Counterclaim, Crossclaim, or Third-Party Claim.* This Rule applies to a
1280 dismissal of any counterclaim, crossclaim, or third-party claim. A claimant’s voluntary
1281 dismissal under Rule 803.21-1(a)(1)(A) shall be made:

1282 (a) Before a responsive pleading is served; or

1283 (b) If there is no responsive pleading, before evidence is introduced at a hearing or trial.

1284 803.21-4. *Costs of a Previously Dismissed Action.* If a plaintiff who previously dismissed an
1285 action in any Court files an action based on or including the same claim against the same
1286 defendant, the Court:

1287 (a) May order the plaintiff to pay all or part of the costs of that previous action; and

1288 (b) May stay the proceedings until the plaintiff has complied.

1289

1290 **803.22. Consolidation; Separate Trials**

1291 803.22-1. *Consolidation.* If actions before the Court involve a common question of law or fact,
1292 the Court may:

1293 (a) Join for hearing or trial any or all matters at issue in the actions;

1294 (b) Consolidate the actions; or

1295 (c) Issue any other orders to avoid unnecessary cost or delay.

1296 803.22-2. *Separate Trials.* For convenience, to avoid prejudice, or to expedite and economize,
1297 the Court may order a separate trial of one (1) or more separate issues, claims, crossclaims,
1298 counterclaims, or third-party claims.

1299

1300 **803.23. Taking Testimony**

1301 803.23-1. *In Open Court.* At trial, the witnesses’ testimony shall be taken in open Court unless
1302 this Law or other rules adopted by the Tribe provide otherwise. For good cause in compelling
1303 circumstances and with appropriate safeguards, the Court may permit testimony in open Court by
1304 contemporaneous transmission from a different location.

1305 803.23-2. *Affirmation Instead of an Oath.* When this Law requires an oath, a solemn affirmation
1306 suffices.

1307 803.23-3. *Evidence on a Motion.* When a motion relies on facts outside the record, the Court
1308 may hear the matter on affidavits or may hear it wholly or partly on oral testimony or on
1309 depositions.

1310 803.23-4. *Interpreter.* The Court may appoint an interpreter of its choosing; fix reasonable
1311 compensation to be paid and designate the compensation as Court costs.

1312

1313 **803.24. Subpoena**

1314 803.24-1. In General.

1315 (a) *Form and Contents.*

1316 (1) *Requirements—In General.* Every subpoena shall:

1317 (A) State the Court from which it issued;

1318 (B) State the title of the action, the Court in which it is pending, and its
1319 civil-action number; and

1320 (C) Command each person to whom it is directed to do the following at a
1321 specified time and place: attend and testify; produce designated
1322 documents, electronically stored information, or tangible things in that
1323 person’s possession, custody, or control; or permit the inspection of

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- 1324 premises.
- 1325 (2) *Command to Attend a Deposition—Notice of the Recording Method.* A
- 1326 subpoena commanding attendance at a deposition shall state the method for
- 1327 recording the testimony.
- 1328 (3) *Combining or Separating a Command to Produce or to Permit Inspection;*
- 1329 *Specifying the Form for Electronically Stored Information.* A command to
- 1330 produce documents, electronically stored information, or tangible things or to
- 1331 permit the inspection of premises may be included in a subpoena commanding
- 1332 attendance at a deposition, hearing, or trial, or may be set out in a separate
- 1333 subpoena. A subpoena shall specify the form or forms in which electronically
- 1334 stored information is to be produced.
- 1335 (4) *Command to Produce; Included Obligations.* A command in a subpoena to
- 1336 produce documents, electronically stored information, or tangible things requires
- 1337 the responding party to permit inspection, copying, testing, or sampling of the
- 1338 materials.
- 1339 (b) *Issued.* A subpoena shall be issued for the following:
- 1340 (1) Attendance at a hearing or trial;
- 1341 (2) Attendance at a deposition; and
- 1342 (3) Production or inspection, if separate from a subpoena commanding a person’s
- 1343 attendance.
- 1344 (c) *Issued by Whom.* The clerk shall issue a subpoena, signed but otherwise in blank, to
- 1345 a party who requests it. That party shall complete it before service. An attorney also
- 1346 may issue and sign a subpoena as an officer of the Court in which the attorney is
- 1347 authorized to practice.
- 1348 803.24-2. *Service.*
- 1349 (a) *By Whom; Tendering Fees; Serving a Copy of Certain Subpoenas.* Any person who
- 1350 is at least eighteen (18) years old and not a party may serve a subpoena. Serving a
- 1351 subpoena requires delivering a copy to the named person. If the subpoena commands the
- 1352 production of documents, electronically stored information, or tangible things or the
- 1353 inspection of premises before trial, then before it is served, a notice shall be served on
- 1354 each party.
- 1355 (b) *Proof of Service.* Proving service, when necessary, requires filing with the Court a
- 1356 statement showing the date and manner of service and the names of the persons served.
- 1357 The statement shall be certified by the server.
- 1358 (c) *Subpoena Fees.* The party issuing the subpoena shall be responsible for tendering, if
- 1359 applicable, the fees for one (1) day’s attendance and mileage. Payment shall be paid at
- 1360 the time of delivery of the subpoena in the amount as set by Court Rule.
- 1361 (d) *Place of Service.* A subpoena may be served at any place:
- 1362 (1) Within the reservation;
- 1363 (2) Outside the reservation but within one hundred (100) miles of the place
- 1364 specified for the deposition, hearing, trial, production or inspection; or
- 1365 (3) That the Court authorizes on motion and for good cause.
- 1366 803.24-3. *Protecting a Person Subject to a Subpoena.*
- 1367 (a) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for
- 1368 issuing and serving a subpoena shall take reasonable steps to avoid imposing undue
- 1369 burden or expense on a person subject to the subpoena. The Court shall impose an
- 1370 appropriate sanction—including, but not limited to, lost earnings and reasonable
- 1371 attorney’s fees—on a party or attorney who fails to comply.

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- 1372 (b) *Command to Produce Materials or Permit Inspection.*
1373 (1) *Appearance Not Required.* A person commanded to produce documents,
1374 electronically stored information, or tangible things, or to permit the inspection of
1375 premises, need not appear in person at the place of production or inspection unless
1376 also commanded to appear for a deposition, hearing, or trial.
1377 (2) *Objections.* A person commanded to produce documents or tangible things or
1378 to permit inspection may serve on the party, advocate or attorney designated in
1379 the subpoena a written objection to inspecting, copying, testing or sampling any
1380 or all of the materials or to inspecting the premises—or to producing
1381 electronically stored information in the form or forms requested. The objection
1382 shall be served before the earlier of the time specified for compliance or fourteen
1383 (14) days after the subpoena is served. If an objection is made, the following
1384 Rules apply:
1385 (A) At any time, on notice to the commanded person, the serving party
1386 may move the Court for an order compelling production or inspection.
1387 (B) These acts may be required only as directed in the order, and the order
1388 shall protect a person who is not a party from significant expense resulting
1389 from compliance.
- 1390 (c) *Quashing or Modifying a Subpoena.*
1391 (1) *When Required.* On motion, the Court shall quash or modify a subpoena that:
1392 (A) Fails to allow a reasonable time to comply;
1393 (B) requires a person who is not a party to travel more than one hundred
1394 (100) miles from where that person resides, is employed, or regularly
1395 transacts business in person—except that, subject to Rule 803.24-
1396 3(c)(2)(C), the person may be commanded to attend a trial by traveling
1397 from any such place within the state of Wisconsin;
1398 (C) Requires disclosure of privileged or other protected matter, if no
1399 exception or waiver applies; or
1400 (D) Subjects a person to undue burden.
- 1401 (2) *When Permitted.* To protect a person subject to or affected by a subpoena, the
1402 Court may, on motion, quash or modify the subpoena if it requires:
1403 (A) Disclosing a trade secret or other confidential research, development,
1404 or commercial information;
1405 (B) Disclosing an unretained expert’s opinion or information that does not
1406 describe specific occurrences in dispute and results from the expert’s study
1407 that was not requested by a party; or
1408 (C) A person who is not a party to incur substantial expense to travel
1409 more than one hundred (100) miles to attend trial.
- 1410 (3) *Specifying Conditions as an Alternative.* In the circumstances described
1411 in Rule 803.24-3(c)(2), the Court may, instead of quashing or modifying a
1412 subpoena, order appearance, inspection or production under specified conditions
1413 if the serving party:
1414 (A) Shows a substantial need for the testimony or material that cannot be
1415 otherwise met without undue hardship; and
1416 (B) Ensures that the subpoenaed person will be reasonably compensated.
- 1417 803.24-4. *Duties in Responding to a Subpoena.*
1418 (a) *Producing Documents or Electronically Stored Information.* These procedures apply
1419 to producing documents or electronically stored information:

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1420 (1) *Documents*. A person responding to a subpoena to produce documents shall
1421 produce them as they are kept in the ordinary course of business or shall organize
1422 and label them to correspond to the categories in the subpoena.

1423 (2) *Form for Producing Electronically Stored Information Not Specified*. If a
1424 subpoena does not specify a form for producing electronically stored information,
1425 the person responding shall produce it in a form or forms in which it is ordinarily
1426 maintained or in a reasonably usable form or forms.

1427 (3) *Electronically Stored Information Produced in Only One (1) Form*. The
1428 person responding need not produce the same electronically stored information in
1429 more than one (1) form.

1430 (4) *Inaccessible Electronically Stored Information*. The person responding need
1431 not provide discovery of electronically stored information from sources that the
1432 person identifies as not reasonably accessible because of undue burden or cost.
1433 On motion to compel discovery or for a protective order, the person responding
1434 shall show that the information is not reasonably accessible because of undue
1435 burden or cost. If that showing is made, the Court may nonetheless order
1436 discovery from such sources if the requesting party shows good cause. The Court
1437 may specify conditions for the discovery.

1438 (b) *Claiming Privilege or Protection*.

1439 (1) *Information Withheld*. A person withholding subpoenaed information under a
1440 claim that it is privileged or subject to protection as trial-preparation material
1441 shall:

1442 (A) Expressly make the claim; and

1443 (B) Describe the nature of the withheld documents, communications, or
1444 tangible things in a manner that, without revealing information itself
1445 privileged or protected, will enable the parties to assess the claim.

1446 (c) *Information Produced*. If information produced in response to a subpoena is subject
1447 to a claim of privilege or of protection as trial-preparation material, the person making
1448 the claim may notify any party that received the information of the claim and the basis for
1449 it. After being notified, a party, advocate or attorney shall promptly return, sequester, or
1450 destroy the specified information and any copies it has; shall not use or disclose the
1451 information until the claim is resolved; shall take reasonable steps to retrieve the
1452 information if the party disclosed it before being notified; and may promptly present the
1453 information to the Court under seal for a determination of the claim. The person who
1454 produced the information shall preserve the information until the claim is resolved.

1455 803.24-5. *Contempt*. The issuing Court may hold in contempt a person who, having been
1456 served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey shall
1457 be excused if the subpoena purports to require the nonparty to attend or produce at a place
1458 outside the limits of Rule 803.24-3(c)(1)(B).

1459

1460 **803.25. Recesses; Personal Conduct**

1461 803.25-1. *Recesses*. The Court may order postponements or recesses in its discretion at any
1462 time during the hearing for any reason. Specifically, when objections are made with respect to
1463 questions asked or evidence presented, or other motions are made during a hearing, the Court
1464 may order a short recess in order to deliberate on any motions or objections raised by a party.

1465 (a) The recess shall continue until a decision is reached, which may be to reserve a ruling
1466 for later, at which time the hearing shall reconvene and the decision concerning the
1467 objection shall be entered into the record.

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1468 (b) A party may enter into the record an objection to the decision reached by the Court in
1469 order to preserve the issue on appeal, though such an objection is not required for such
1470 preservation.

1471 803.25-2. *Personal Conduct.* Parties, including parties' attorney or advocate, shall present and
1472 conduct themselves in a professional manner while before the Court. Parties shall be prepared to
1473 present their case, to include evidence, arguments and witnesses at the time of the hearing.
1474 Disorderly conduct, insulting or demeaning behavior, or interrupting a speaking judge, party, or
1475 party's attorney or advocate may be grounds for contempt and/or other penalties.

1476
1477 **803.26. Contempt**

1478 803.26-1. *Grounds.* In addition to other grounds for contempt identified in this Law or other
1479 Tribal law, the following acts or failures to act may serve as the basis for finding an individual or
1480 other entity in contempt:

- 1481 (a) Failure to obey a subpoena;
1482 (b) Refusal to testify or appear when so ordered;
1483 (c) Refusal to obey any order or judgment of the Court;
1484 (d) Disorderly, demeaning, or insulting behavior toward a Judge while conducting a
1485 hearing which tends to interrupt the course of the proceedings or undermine the dignity of
1486 the Court;
1487 (e) A breach of the peace or loud or boisterous conduct which tends to interrupt the
1488 course of a judicial proceeding;
1489 (f) Deceit or abuse of process or proceedings of the Court by a party, advocate or
1490 attorney to a judicial proceeding;
1491 (g) Any other interference with the process, proceedings, or dignity of the Court or a
1492 Judge while in the performance of official duties.

1493 803.26-2. *Relief.* Individuals or other entities found to be in contempt shall be subject to a fine
1494 in an amount not to exceed one thousand dollars (\$1,000) per act of contempt, and not to exceed
1495 five thousand dollars (\$5,000) per instance of continuing contempt payable to the Judiciary or to
1496 the complaining party. When that individual or other entity either pays the money or does
1497 whatever the Court orders that person to do, the contempt order shall be purged.

1498 803.26-3. *Procedure.*

- 1499 (a) Direct contempt is one committed in the presence of the Court or so near in presence
1500 as to be disruptive of the judicial proceedings, and such may be adjudged and punished
1501 summarily. All others are indirect contempt.
1502 (b) Indirect contempt may be determined after a hearing in which the person accused of
1503 contempt is given notice and an opportunity to be heard.
1504 (1) The Court may, after testimony is given concerning the reasons for any
1505 contemptuous act, allow the person accused one (1) opportunity to comply or be
1506 held in contempt.
1507 (c) The Court may, in its discretion or on motion by a party, resolve issues of indirect
1508 contempt through receipt and deliberation of briefs rather than a hearing.

1510 **803.27. Findings and Conclusions by the Court; Judgment on Partial Findings; Offer of**
1511 **Judgment**

1512 803.27-1. *Findings and Conclusions.*

- 1513 (a) *In General.* The Court shall state the findings of facts and its conclusions of law
1514 separately. The findings and conclusions may be stated on the record after the close of
1515 the evidence or may appear in an opinion or a memorandum of decision filed by the

- 1516 Court.
- 1517 (b) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction,
- 1518 the Court shall similarly state the findings and conclusions that support its action.
- 1519 (c) *For a Motion.* The Court is not required to state findings or conclusions when ruling
- 1520 on a motion unless this Law provide otherwise.
- 1521 (d) *Questioning the Evidentiary Support.* A party may later question the sufficiency of
- 1522 the evidence supporting the findings, whether or not the party requested findings,
- 1523 objected to them, moved to amend them, or moved for partial findings.
- 1524 803.27-2. *Amended or Additional Findings.* On a party’s motion filed no later than twenty-eight
- 1525 (28) days after the entry of judgment, the Court may amend its findings or make additional
- 1526 findings and may amend the judgment accordingly. The motion may accompany a motion for a
- 1527 new trial.
- 1528 803.27-3. *Judgment on Partial Findings.* If a party has been fully heard on an issue and the
- 1529 Court finds against the party on that issue, the Court may enter judgment against the party on a
- 1530 claim or defense that, under the controlling law, can be maintained or defeated only with a
- 1531 favorable finding on that issue. The Court may, however, decline to render any judgment until
- 1532 the close of the evidence. A judgment on partial findings shall be supported by findings of fact
- 1533 and conclusions of law as required by Rule 803.27-1(a).
- 1534 803.27-4. *Offer of Judgment.*
- 1535 (a) *Making an Offer; Judgment on an Accepted Offer.* At any time before or during trial,
- 1536 a party may serve on an opposing party an offer to allow judgment on specified terms,
- 1537 with the costs then accrued. If the opposing party serves written notice accepting the
- 1538 offer, either party may then file the offer and notice of acceptance, plus proof of
- 1539 service. The Court shall then enter judgment.
- 1540 (b) *Unaccepted Offer.* An unaccepted offer shall be considered withdrawn, but it shall
- 1541 not preclude a later offer. Evidence of an unaccepted offer shall not be admissible
- 1542 except in a proceeding to determine costs.
- 1543

1544 **803.28. Judgment; Costs**

- 1545 803.28-1. *Generally.* A decision includes any final order or judgment that may be appealed to
- 1546 the Court of Appeals. No special form of judgment is required. A judgment shall not include
- 1547 recitals of pleadings or a record of prior proceedings, unless the Court deems that information
- 1548 necessary.
- 1549 803.28-2. *Types of Relief.*
- 1550 (a) Every final decision of the Court shall grant relief based in law and equity to the
- 1551 party in whose favor the decision is rendered. Relief granted need not be identical to the
- 1552 relief demanded in the pleadings or at a hearing.
- 1553 (b) *Judgment on Multiple Claims or Involving Multiple Parties.* When an action
- 1554 presents more than one (1) claim for relief—whether as a claim, counterclaim,
- 1555 crossclaim, or third-party claim—or when multiple parties are involved, the Court may
- 1556 direct entry of a final judgment as to one (1) or more, but fewer than all, claims or parties
- 1557 only if the Court expressly determines that there is no just reason for delay. Otherwise,
- 1558 any order or other decision, however designated, that adjudicates fewer than all the
- 1559 claims or the rights and liabilities of fewer than all the parties shall not end the action as
- 1560 to any of the claims or parties and may be revised at any time before the entry of a
- 1561 judgment adjudicating all the claims and all the parties’ rights and liabilities.
- 1562 803.28-3. *Form of Decision.* The Court may issue decisions in the form of fines, orders,
- 1563 penalties, or others the Court deems appropriate, which may include, but not limited to:

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- 1564 (a) Awarding monetary damages, including punitive damages, to be paid by the party
1565 found to be in violation of any Tribal law, to the injured party;
1566 (b) Directing the surrender of certain property to the injured party which the injured
1567 party is found to be legally entitled;
1568 (c) Directing the performance of some act or the ceasing and desisting from performance
1569 of some act for the benefit of the injured party;
1570 (d) Directing a party in violation of Tribal laws to cease and desist from further
1571 violations and cure said violations within a specified period of time;
1572 (e) Directing the payment of specific monetary fines for violations of Tribal laws, Court
1573 orders or agreements made during mediation or peacemaking;
1574 (f) Directing mandated community service and/or denial of specific Tribal benefits;

1575 803.28-4. *Costs.*

- 1576 (a) The Court may, in its discretion, require the non-prevailing party to pay some or all
1577 of the reasonable costs of the prevailing party.
1578 (b) *Attorney's Fees.* The Court shall not award attorney's fees unless:
1579 (1) The fees have been specifically provided for by Tribal law, contract or
1580 agreement between the parties in dispute;
1581 (2) It has been clearly and convincingly shown that the case is frivolous or has
1582 been prosecuted in bad faith for purposes of harassment only; or
1583 (3) It has been shown that there was no reasonable expectation of success on the
1584 part of the claiming party.
1585 (c) If the Court finds by clear and convincing evidence that the matter before the Court
1586 was frivolous or has been prosecuted in bad faith, the Court may assess against the
1587 plaintiff, some or all of the Court's and/or defendant's costs in the matter.
1588 (d) Court costs shall be based on actual cost or set by Court Rule.

1589 803.28-5. *Punitive Damages.* A party may recover punitive damages against another party
1590 unless the other party is the Tribe, or an officer or agency of the Tribe. The Court shall only
1591 order punitive damages when a party's willful or reckless conduct is exceptionally egregious or
1592 malicious and the order will deter that party and others from committing the same or similar acts
1593 in the future. Punitive damages shall not exceed an amount greater than four (4) times the
1594 amount of any other monetary damages ordered. In cases involving non-economic harm where
1595 punitive damages are ordered, the Court shall determine punitive damages by considering:

- 1596 (a) The nature of the wrongdoer's behavior;
1597 (b) The extent of the prevailing party's loss or injury;
1598 (c) The degree to which the wrongdoer's conduct is offensive to a societal sense of justice
1599 and decency; and
1600 (d) The financial worth of the wrongdoer.

1601

1602 **803.29. Default; Default Judgment**

1603 803.29-1. *Appearance Required.* Parties to a case are required to appear before the Court at any
1604 scheduled hearing or proceeding.

- 1605 (a) A party may be excused from appearing with the permission of the Court if the party
1606 makes a motion seeking permission prior to the hearing or proceeding and shows good
1607 cause as to why the party's appearance is not necessary.
1608 (b) The Court may allow a proceeding to continue without a party's appearance so long
1609 as a representative of the party appears, or may postpone the hearing until the party will
1610 attend, or may find the party not in attendance in contempt for failing to appear.
1611 (c) The Court may allow a party to appear by telephone. Requests to appear by telephone

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1612 shall be in writing and submitted at least seven (7) days before a hearing or proceeding.
1613 803.29-2. *Defendant.* When a party against whom a judgment for relief is sought has failed to
1614 appear, plead or otherwise defend as required in this Law or elsewhere, a default judgment may
1615 be granted by the Court upon the receipt of whatever evidence is deemed necessary to establish
1616 the claim.

1617 803.29-3. *Plaintiff.* When a party who has filed a claim fails to appear, plead, or prosecute said
1618 claim as provided in this Law or elsewhere, a dismissal may be granted by the Court, on its own
1619 or on a party's motion, dismissing the claim. For purposes of this section, dismissal shall be
1620 treated as default.

1621 803.29-4. *Entering a Default Judgment.* The Court may conduct hearings or make referrals
1622 when, to enter or effectuate judgment, it needs to:

- 1623 (a) Conduct an accounting;
- 1624 (b) Determine the amount of damages;
- 1625 (c) Establish the truth of any allegation by evidence; or
- 1626 (d) Investigate any other matter.

1627 803.29-5. *Demand for Judgment.* The Court may assign any costs incurred by the non-defaulting
1628 party and any hearing costs incurred by the Court, to the defaulting party.

1629 803.29-6. *Setting Aside a Default or a Default Judgment.* The Court may set aside an entry of
1630 default for good cause, and it may set aside a default judgment under Rule 803.33-2 within one
1631 (1) year of entry of default or default judgment.

1632

1633 **803.30. Summary Judgment**

1634 803.30-1. *Motion for Summary Judgment or Partial Summary Judgment.* A party may move for
1635 summary judgment, identifying each claim or defense—or the part of each claim or defense—on
1636 which summary judgment is sought. The Court shall grant summary judgment if the movant
1637 shows that there is no genuine dispute as to any material fact and the movant is entitled to
1638 judgment as a matter of law. The Court shall state on the record the reasons for granting or
1639 denying the motion.

1640 803.30-2. *Time to File a Motion.* Unless a different time is set by the Court, a party may file a
1641 motion for summary judgment at any time after commencement of an action, but at least fifteen
1642 (15) days prior to the scheduled trial.

1643 803.30-3. *Procedures.*

1644 (a) *Supporting Factual Positions.* A party asserting that a fact cannot be or is genuinely
1645 disputed shall support the assertion by:

1646 (1) Citing to particular parts of materials in the record, including depositions,
1647 documents, electronically stored information, affidavits, stipulations (including
1648 those made for purposes of the motion only), admissions, interrogatory answers,
1649 or other materials; or

1650 (2) Showing that the materials cited do not establish the absence or presence of a
1651 genuine dispute, or that an adverse party cannot produce admissible evidence to
1652 support the fact.

1653 (b) *Objection That a Fact Is Not Supported by Admissible Evidence.* A party may object
1654 that the material cited to support or dispute a fact cannot be presented in a form that
1655 would be admissible in evidence.

1656 (c) *Materials Not Cited.* The Court need consider only the cited materials, but it may
1657 consider other materials in the record.

1658 (d) *Affidavits.* An affidavit used to support or oppose a motion shall be made on
1659 personal knowledge, set out facts that would be admissible in evidence, and show that the

1660 affiant is competent to testify on the matters stated.
1661 803.30-4. *When Facts Are Unavailable to the Nonmovant.* If a nonmovant shows by affidavit
1662 that, for specified reasons, it cannot present facts essential to justify its opposition, the Court
1663 may:

- 1664 (a) Defer considering the motion or deny it;
- 1665 (b) Allow time to obtain affidavits or to take discovery; or
- 1666 (c) Issue any other appropriate order.

1667 803.30-5. *Failing to Properly Support or Address a Fact.* If a party fails to properly support an
1668 assertion of fact or fails to properly address another party’s assertion of fact as required
1669 by Rule 803.30-3, the Court may:

- 1670 (a) Give an opportunity to properly support or address the fact;
- 1671 (b) Consider the fact undisputed for purposes of the motion;
- 1672 (c) grant summary judgment if the motion and supporting materials—including the facts
1673 considered undisputed—show that the movant is entitled to it; or
- 1674 (d) Issue any other appropriate order.

1675 803.30-6. *Judgment Independent of the Motion.* After giving notice and a reasonable time to
1676 respond, the Court may:

- 1677 (a) Grant summary judgment for a nonmovant;
- 1678 (b) Grant the motion on grounds not raised by a party; or
- 1679 (c) Consider summary judgment on its own after identifying for the parties material facts
1680 that may not be genuinely in dispute.

1681 803.30-7. *Failing to Grant All the Requested Relief.* If the Court does not grant all the relief
1682 requested by the motion, it may enter an order stating any material fact—including an item of
1683 damages or other relief—that is not genuinely in dispute and treating the fact as established in
1684 the case.

1685 803.30-8. *Affidavit Submitted in Bad Faith.* If satisfied that an affidavit under this Rule is
1686 submitted in bad faith or solely for delay, the Court—after notice and a reasonable time to
1687 respond—may order the submitting party to pay the other party the reasonable expenses,
1688 including attorney’s fees, incurred as a result. An offending party, advocate or attorney may also
1689 be held in contempt or subjected to other appropriate sanctions.

1690

1691 **803.31. Entering Judgment; Enforcement**

1692 803.31-1. *Entering Judgment.*

1693 (a) *Signature.* All decisions shall be signed by the Judge assigned to the case and
1694 filed with the clerk.

1695 (b) *Filing and Notation.* A decision shall be complete and entered for all purposes when
1696 it is signed and filed with the clerk for publication, unless the case is nonpublic and/or not
1697 subject to publication in which case it is deemed complete and entered upon being signed
1698 by the Judge. The clerk shall make a notation of the decision in a case log or index of
1699 cases and decisions. If publication occurs more than seven (7) days after entry of the
1700 decision, this shall be noted and the date of publication shall be the official date of entry.

1701 (c) *Death of a Party.* If a party dies after a decision is rendered upon any issue or
1702 fact, but before entry of the judgment, judgment may still be entered.

1703 (d) *Satisfaction of Decision.* The clerk shall file all satisfactions of decisions and note
1704 whether whole or partial and the amount thereof in any existing case log or index of cases
1705 and decisions. A decision may be satisfied, in whole or part, as to any or all of the non-
1706 prevailing parties, when:

- 1707 (1) The party awarded the decision files an acknowledgment of satisfaction

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- 1708 specifying the amount paid and whether such is a full or partial satisfaction; or
1709 (2) The Trial Court may order the entry of satisfaction upon the proof of payment
1710 by the debtor and failure of the decision creditor to file a satisfaction;
1711 (e) *Effect of Satisfaction.* A decision satisfied in whole shall be entered in the index of
1712 decisions as such.
1713 (1) A partially satisfied decision or unsatisfied decision shall continue in effect
1714 for four (4) years or until satisfied, whichever occurs sooner.
1715 (2) An action to renew the decision remaining unsatisfied may be maintained any
1716 time prior to the expiration of four (4) years and shall extend the period of an
1717 additional four (4) years and may be thereafter further extended by the same
1718 procedure.
1719 (f) *Written Decisions.* All decisions, opinions, and orders rendered, unless specified
1720 otherwise in this Law, shall be in writing and include the findings of fact and conclusions
1721 of law.
1722 (1) Upon completion of the hearing or trial, the Court shall complete a written
1723 decision within thirty (30) days.
1724 (A) The Court may, upon written notice to all parties, extend this time
1725 period to not more than an additional thirty (30) days from the original due
1726 date.
- 1727 803.31-2. *Enforcement.*
- 1728 (a) *Time.* The non-prevailing party shall have sixty (60) days from entry of the judgment
1729 to comply with the order of the Court and/or complete payment of any monetary award or
1730 to make arrangements with the prevailing party for payment or installment payments. If
1731 the non-prevailing party does not comply and/or satisfy the judgment within sixty (60)
1732 days, does not make arrangements to satisfy judgment within sixty (60) days, or fails to
1733 make installment payments to satisfy judgment for more than sixty (60) days, then the
1734 prevailing party may make a motion to the Court for the enforcement of the decision.
- 1735 (b) *Means of Enforcement.* The Court shall conduct a hearing on the issue of
1736 enforcement of a judgment. The Court may:
- 1737 (1) Order the garnishment of any non-prevailing party's wages, including but not
1738 limited to per capita payments by the Tribe, the amount to be determined by the
1739 Court and to be paid to the prevailing party;
- 1740 (2) Fine the non-prevailing party if the non-prevailing party is found to be in
1741 contempt of the judgment. Fines shall be paid to the prevailing party; or
- 1742 (3) Issue any other order or decision for the purposes of satisfying the judgment
1743 which the Court deems just.
- 1744 (4) If it is determined at this hearing that any of the above options for the
1745 enforcement are unavailable or unduly difficult or inequitable, the Court may
1746 order the execution and sale of such property of the non-prevailing party's to
1747 satisfy the judgment.
- 1748 (c) *Seizure of Property.* The non-prevailing party shall be ordered to appear before the
1749 Court and answer under oath regarding the reasons for failure to satisfy the judgment. If
1750 good cause is not shown for the failure to satisfy the judgment, the Court may:
- 1751 (1) Determine, under Wisconsin law, what property of the non-prevailing party is
1752 available for execution;
- 1753 (2) Issue an order for the seizure of as much of such property as reasonably
1754 necessary to pay the judgment amount and costs of seizing and auctioning
1755 such property;

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- 1756 (A) The order for seizure shall be issued to and enforced by the Oneida
1757 Police Department (OPD);
- 1758 (B) The non-prevailing party shall have, starting on the day after
1759 seizure of property, ten (10) days to satisfy the judgment and
1760 redeem the property seized from the OPD. If redemption is not
1761 made, the OPD shall proceed with the sale of seized property.
- 1762 (C) Sale of seized property shall be at public auction conducted by the
1763 OPD. The person conducting the auction:
- 1764 (i) Shall place public notice in at least three (3) prominent
1765 places within the Oneida Reservation and publication in the
1766 Tribal newspaper, at least ten (10) days prior to the auction.
- 1767 (ii) Shall sell the property to the highest bidder who shall
1768 make payment for the property at the time of sale.
- 1769 (iii) Shall issue a certificate of sale to the purchaser and shall
1770 make a report and return to the Court reciting the details of
1771 the sale.
- 1772 (iv) May postpone and reschedule the auction, providing
1773 notice of the new date as per sub part (i) above, if there is
1774 deemed to be inadequate response to the auction or bidding.
- 1775 (D) The sale shall not be deemed full satisfaction of the judgment
1776 unless such sale actually fully satisfies the judgment. Any excess
1777 proceeds from the sale shall be issued to the non-prevailing party.
- 1778 (d) *Exemption from Enforcement.* The Court shall only order seizure and sale of such
1779 property of the non-prevailing party to satisfy a money judgment, the loss of which shall
1780 not impose an immediate and substantial hardship on the non-prevailing party or the non-
1781 prevailing party's immediate family.

1782
1783 **803.32. Record of Proceedings**

1784 803.32-1. *Generally.* All proceedings shall be recorded by audio, video or other means such that
1785 an accurate transcript may be produced when needed or requested. The record of the civil action
1786 shall include the following:

- 1787 (a) All pleadings, motions, orders, and intermediate rulings;
- 1788 (b) All evidence received or considered;
- 1789 (c) All statements of matters officially noticed;
- 1790 (d) All questions and offers of proof, objections and rulings thereon;
- 1791 (e) All proposed findings and exceptions;
- 1792 (f) All decisions, opinions or reports of the Court; and
- 1793 (g) A complete record of the hearing itself, in the form of written transcript, video or
1794 audio recordings.

1795 803.32-2. *Open Record.* The records of all hearings and matters shall be available except where
1796 they are prohibited from disclosure by this Law, any other Tribal law or Court order or rule.

- 1797 (a) The Court shall be construed as a Court of record for purposes of full faith and credit.
- 1798 (b) Any person may request to view the record of any case and may receive copies of the
1799 record at that person's expense.

1800 (1) Records of cases involving juveniles shall remain confidential and shall only
1801 be viewed by the parties or the legal guardian of a party who is a minor and their
1802 attorney or advocate, Judges and staff assigned to the case, and those other
1803 persons who first obtain a written release from a party to view material contained

- 1804 in the record.
- 1805 (2) Copies of final decisions and case file material shall be available for any
- 1806 person’s review at that person’s expense after the time line for filing a notice of
- 1807 appeal or motion for reconsideration has passed and no such filing has occurred.
- 1808 This shall ensure that the case is concluded and open for public record.
- 1809 (3) At the request of any party or on its own motion, the Court may seal any part
- 1810 of a case file, preventing public disclosure. A file or part of a file may only be
- 1811 sealed where the safety of a party, witness or other individual may be in jeopardy
- 1812 if the material is not placed under seal.
- 1813 (c) Deliberations of the Court are confidential, not part of the record and are not subject
- 1814 to reproduction.
- 1815

803.33. Relief from a Judgment or Order; Harmless Error

1816 803.33-1. *Corrections Based on Clerical Mistakes; Oversights and Omissions.* The Court may

1817 correct a clerical mistake or a mistake arising from oversight or omission whenever one is found

1818 in a judgment, order, or other part of the record. The Court may do so on motion or on its own,

1819 with or without notice. But after an appeal has been docketed in the Court of Appeals and while

1820 it is pending, such a mistake may be corrected only with the Court of Appeals’ leave.

1821 803.33-2. *Grounds for Relief from a Final Judgment, Order, or Proceeding.* On motion and just

1822 terms, the Court may relieve a party or its legal representative from a final judgment, order, or

1823 proceeding for the following reasons:

- 1824
- 1825 (a) Mistake, inadvertence, surprise, or excusable neglect;
- 1826 (b) Newly discovered evidence that, with reasonable diligence, could not have been
- 1827 discovered;
- 1828 (c) Fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
- 1829 misconduct by an opposing party;
- 1830 (d) The judgment is void;
- 1831 (e) The judgment has been satisfied, released, or discharged; it is based on an earlier
- 1832 judgment that has been reversed or vacated; or applying it prospectively is no longer
- 1833 equitable; or
- 1834 (f) Any other reason that justifies relief.

1835 803.33-3. *Timing and Effect of the Motion.*

1836 (a) *Timing.* A motion under Rule 803.33-2 shall be made within a reasonable time—and

1837 for reasons (a), (b), and (c) no more than one (1) year after the entry of the judgment or

1838 order or the date of the proceeding.

1839 (b) *Effect on Finality.* The motion shall not affect the judgment’s finality or suspend its

1840 operation.

1841 803.33-4. *Other Powers to Grant Relief.* This Rule shall not limit the Court’s power to:

- 1842 (a) Entertain an independent action to relieve a party from a judgment, order, or
- 1843 proceeding;
- 1844 (b) Grant relief to a defendant who was not personally notified of the action; or
- 1845 (c) Set aside a judgment for fraud on the Court.

1846 803.33-5. *Harmless Error.* Unless justice requires otherwise, no error in admitting or excluding

1847 evidence—or any other error by the Court or a party—is grounds for granting a new trial, for

1848 setting aside a verdict, or for vacating, modifying, or otherwise disturbing a judgment or order.

1849

803.34. Stay of Proceedings to Enforce a Judgment

1850 803.34-1. *Automatic Stay; Exceptions for Injunctions.* Except as stated in this Rule, no execution

1851

1852 may issue on a judgment, nor may proceedings be taken to enforce it, until fourteen (14) days
1853 have passed after its entry. But unless the Court orders otherwise, interlocutory or final
1854 judgments in an action for an injunction are not stayed after being entered, even if an appeal is
1855 taken.

1856 803.34-2. *Stay Pending the Disposition of a Motion.* On appropriate terms for the opposing
1857 party's security, the Court may stay the execution of a judgment—or any proceedings to enforce
1858 it—pending disposition of any of the following motions:

- 1859 (a) For judgment as a matter of law;
- 1860 (b) To amend the findings or for additional findings;
- 1861 (c) For a new trial or to alter or amend a judgment; or
- 1862 (d) For relief from a judgment or order.

1863 803.34-3. *Injunction Pending an Appeal.* While an appeal is pending from an interlocutory
1864 order or final judgment that grants, dissolves, or denies an injunction, the Court may suspend,
1865 modify, restore, or grant an injunction on terms that secure the opposing party's rights.

1866 803.34-4. *Court of Appeals' Power Not Limited.* This Rule shall not limit the power of the
1867 Court of Appeals or one (1) of its Judges:

- 1868 (a) To stay proceedings—or suspend, modify, restore, or grant an injunction—while an
1869 appeal is pending; or
- 1870 (b) To issue an order to preserve the status quo or the effectiveness of the judgment to be
1871 entered.

1872 803.34-5. *Stay with Multiple Claims or Parties.* The Court may stay the enforcement of a final
1873 judgment under Rule 803.28-2(b) until it enters a later judgment or judgments, and may
1874 prescribe terms necessary to secure the benefit of the stayed judgment for the party in whose
1875 favor it was entered.

1876 803.34-6. *Stay in Favor of the Tribe, or Agency Thereof.* When an appeal is taken by the Tribe,
1877 or an officer or agency of the Tribe, and the execution or enforcement of the judgment is stayed;
1878 no bond, obligation, or other security shall be required.

1879

1880 **803.35 Injunctions and Restraining Orders**

1881 803.35-1 *Preliminary Injunction.*

- 1882 (a) *Notice.* The Court may issue a preliminary injunction only on notice to the adverse
1883 party.
- 1884 (b) *Consolidating the Hearing with the Trial on the Merits.* Before or after beginning
1885 the hearing on a motion for a preliminary injunction, the Court may advance the trial on
1886 the merits and consolidate it with the hearing. Even when consolidation is not ordered,
1887 evidence that is received on the motion and that would be admissible at trial becomes part
1888 of the trial record and need not be repeated at trial.
- 1889 (c) *Expediting the Preliminary-Injunction Hearing.* If the order is issued without notice,
1890 the motion for a preliminary injunction shall be set for hearing at the earliest possible
1891 time, taking precedence over all other matters except hearings on older matters of the
1892 same character. At the hearing, the party who obtained the order shall proceed with the
1893 motion; if the party does not, the Court shall dissolve the order.

1894 803.35-2. *Temporary Restraining Order.*

- 1895 (a) *Issuing Without Notice.* The Court may issue a temporary restraining order without
1896 written or oral notice to the adverse party or its attorney or advocate only if:
 - 1897 (1) Specific facts in an affidavit or a verified complaint clearly show that
1898 immediate and irreparable injury, loss, or damage will result to the movant before
1899 the adverse party can be heard in opposition; and

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1900 (2) The movant’s attorney or advocate certifies in writing any efforts made to
1901 give notice and the reasons why it should not be required to give notice.

1902 (b) *Contents; Expiration.* Every temporary restraining order issued without notice shall
1903 state the date and hour it was issued; describe the injury and state why it is irreparable;
1904 state why the order was issued without notice; and be promptly filed in the clerk’s office
1905 and entered in the record. The order expires at the time after entry—not to exceed
1906 fourteen (14) days—that the Court sets, unless before that time the Court, for good cause,
1907 extends it for a like period or the adverse party consents to a longer extension. The
1908 reasons for an extension shall be entered in the record.

1909 (d) *Motion to Dissolve.* On two (2) days’ notice to the party who obtained the order
1910 without notice—or on shorter notice set by the Court—the adverse party may appear and
1911 move to dissolve or modify the order. The Court shall then hear and decide the motion as
1912 promptly as justice requires.

1913 803.35-3. *Security.* The Court may issue a preliminary injunction or a temporary restraining
1914 order only if the movant gives security, unless the movant is the Tribe, or an officer or agency of
1915 the Tribe. Security shall be in an amount that the Court considers proper to pay the costs and
1916 damages sustained by any party found to have been wrongfully enjoined or restrained.

1917 803.35-4. *Contents and Scope of Every Injunction and Restraining Order.*

1918 (a) *Contents.* Every order granting an injunction and every restraining order shall:

1919 (1) State the reasons why it issued;

1920 (2) State its terms specifically; and

1921 (3) describe in reasonable detail—and not by referring to the complaint or other
1922 document—the act or acts restrained or required.

1923 (b) *Persons Bound.* The order binds only the following who receive actual notice of it
1924 by personal service or otherwise:

1925 (1) The parties;

1926 (2) The parties’ officers, agents, servants, employees, and attorneys or advocate;
1927 and

1928 (3) Other persons who are in active concert or participation with anyone described
1929 in Rule 803.35-4(b)(1) or (2).

1930

1931 **803.36. Behavior, Disability, Disqualification of Judges**

1932 803.36-1. *Judicial Code of Conduct.* All Judges are subject to the Rules and standards of the
1933 Oneida Tribal Judiciary Canons of Judicial Conduct as specified in that document.

1934 803.36-2. *Disability and Disqualification.* Rule 150.12 of the Judiciary law shall govern the
1935 reprimand, suspension and/or removal of a Judge.

1936

1937 **803.37. Guardian Ad Litem**

1938 803.37-1. This section shall govern the appointment, conduct, duties and powers of guardian’s
1939 ad litem where it is appropriate and authorized under Tribal Law. This section, 803.37, shall
1940 apply in every situation where a guardian ad litem is necessary, except where other Tribal Law is
1941 more specific regarding guardians ad litem, then those laws shall supersede.

1942 (a) A guardian ad litem shall be an attorney or trained advocate. Before being appointed
1943 as guardian ad litem, advocates shall demonstrate an understanding of the role of the
1944 guardian ad litem. Such understanding may be demonstrated by passing an examination
1945 administered by the Judiciary or by an interview conducted by the Chief Judge, Family
1946 Court Judge or such other means determined by the Judiciary.

1947 (b) *Represent Best Interests.* A guardian ad litem shall represent the best interest of the

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1948 person for whom he or she is appointed. Representation of best interests may be
1949 inconsistent with the wishes of the person whose interest the guardian ad litem represents.
1950 The guardian ad litem shall not advocate on behalf of or advise any party so as to create
1951 in the mind of a reasonable person the appearance of representing that party as an
1952 attorney or an advocate.

1953 (c) *Maintain Independence.* A guardian ad litem shall maintain independence,
1954 objectivity and the appearance of fairness in dealings with parties and professionals, both
1955 in and out of the courtroom.

1956 (d) *Professional Conduct.* A guardian ad litem shall act in a manner consistent with the
1957 Judge's obligations under Rule 1.7 of the Oneida Tribal Judiciary Canons of Judicial
1958 Conduct.

1959 (e) *Avoid Conflicts of Interest.* No person who is an interested party in a proceeding,
1960 appears as an attorney or advocate in a proceeding on behalf of any party, or is a relative
1961 or representative of an interested party may be appointed guardian ad litem in that
1962 proceeding. A guardian ad litem shall:

1963 (1) Avoid any actual or apparent conflict of interest or impropriety in the
1964 performance of guardian ad litem responsibilities.

1965 (2) Avoid self-dealing or association from which a guardian ad litem might
1966 directly or indirectly benefit, other than for compensation as guardian ad litem.

1967 (3) Take action immediately to resolve any potential conflict or impropriety and
1968 advise the Court and the parties of action taken, resign from the matter, or seek
1969 Court direction as may be necessary to resolve the conflict or impropriety.

1970 (4) Not accept or maintain appointment if the performance of the duties of
1971 guardian ad litem may be materially limited by the guardian's ad litem
1972 responsibilities to another client or a third person, or by the guardian's ad litem
1973 own interests.

1974 (f) *Treat parties with respect.* A guardian ad litem is an officer of the Court and as such
1975 shall at all times treat the parties with respect, courtesy, fairness and good faith.

1976 (g) *Become informed about case.* A guardian ad litem shall make reasonable efforts to
1977 become informed about the facts of the case and to contact all parties. A guardian ad
1978 litem shall examine material information and sources of information, taking into account
1979 the positions of the parties.

1980 (h) *Make requests for evaluations to Court.* A guardian ad litem shall not require any
1981 evaluations or tests of any person except as required by Tribal Law or Court order issued
1982 following notice and opportunity to be heard.

1983 (i) *Timely inform the Court of relevant information.* A guardian ad litem shall file a
1984 written report with the Court and the parties as required by law or Court order, or in any
1985 event not later than five (5) business days prior to a hearing for which a report is required.
1986 The report shall be accompanied by a written list of documents considered or called to
1987 the attention of the guardian ad litem and persons interviewed during the course of the
1988 investigation.

1989 (j) *Limit duties to those ordered by Court.* A guardian ad litem shall comply with the
1990 Court's instructions as set out in the order appointing a guardian ad litem, and shall not
1991 provide or require services beyond the scope of the Court's instruction unless by motion
1992 and on adequate notice to the parties, a guardian ad litem obtains additional instruction,
1993 clarification or expansion of the scope of such appointment.

1994 (1) A guardian ad litem shall not be called as a witness in any proceeding or
1995 hearing in which he/she is a guardian ad litem, except where, with the Court's

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- 1996 permission, clarification is requested regarding the guardian ad litem’s report. In
1997 such case, testimony shall be restricted to that which is needed to clarify such
1998 report.
- 1999 (k) *Inform individuals about role in case.* A guardian ad litem shall identify him or
2000 herself as a guardian ad litem when contacting individuals in the course of a particular
2001 case and inform individuals contacted in a particular case about the role of a guardian ad
2002 litem in the case at the earliest practicable time. A guardian ad litem shall advise
2003 information sources that the documents and information obtained may become part of
2004 Court proceedings.
- 2005 (l) *Appear at hearings.* The guardian ad litem shall be given notice of all hearings and
2006 proceedings. A guardian ad litem shall appear at any hearing for which the duties of a
2007 guardian ad litem or any issues substantially within a guardian ad litem’s duties and
2008 scope of appointment are to be addressed.
- 2009 (m) *Ex parte communication.* A guardian ad litem shall not have ex parte
2010 communications concerning the case with the Judge(s) involved in the matter except as
2011 permitted by Court Rule or by Tribal Law.
- 2012 (n) *Maintain privacy of parties.* As an officer of the Court, a guardian ad litem shall
2013 make no disclosures about the case or the investigation except in reports to the Court or
2014 as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall
2015 maintain the confidential nature of identifiers or addresses where there are allegations of
2016 domestic violence or risk to a party’s or child’s safety. The guardian ad litem may
2017 recommend that the Court seal the report or a portion of the report of the guardian ad
2018 litem to preserve the privacy, confidentiality, or safety of the parties or the person for
2019 whom the guardian ad litem was appointed. The Court may, upon application, and under
2020 such conditions as may be necessary to protect the witnesses from potential harm, order
2021 disclosure or discovery that addresses the need to challenge the truth of the information
2022 received from the confidential source.
- 2023 (o) *Perform duties in timely manner.* A guardian ad litem shall perform responsibilities
2024 in a prompt and timely manner, and, if necessary, request timely Court reviews and
2025 judicial intervention in writing with notice to parties or affected agencies.
- 2026 (p) *Maintain documentation.* A guardian ad litem shall maintain documentation to
2027 substantiate recommendations and conclusions and shall keep records of actions taken by
2028 the guardian ad litem.
- 2029 (q) *Keep records of time and expenses.* A guardian ad litem shall keep accurate records
2030 of the time spent, services rendered, and expenses incurred in each case and file an
2031 itemized statement and accounting with the Court and provide a copy to each party or
2032 other entity responsible for payment. The Court may make provisions for fees and
2033 expenses pursuant to Tribal Law or Court Rule in the Order Appointing Guardian ad
2034 Litem or in any subsequent order.
- 2035 (r) At final paternity hearings, dispositional hearings and at other times when
2036 appropriate, the guardian ad litem shall provide a written report to the Court with his or
2037 her recommendations. The recommendations shall be based upon a full and independent
2038 investigation of the facts. The report shall include:
- 2039 (1) The sources of information used by the guardian ad litem;
- 2040 (2) What home visits were done by the guardian ad litem and the results of the
2041 visits;
- 2042 (3) Who the guardian ad litem interviewed including parents, relatives and
2043 professionals;

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- 2044 (4) Whether the guardian ad litem had contact with the child or children;
2045 (5) Relevant provisions of the law; and
2046 (6) The guardian ad litem’s recommendation on the contested issues
- 2047 (s) The appointment of a guardian ad litem terminates upon the entry of the Court’s final
2048 order or upon the termination of any appeal in which the guardian ad litem participates.
2049 (t) As an officer of the Court, a guardian ad litem has only such authority conferred by
2050 the order of appointment. A guardian ad litem shall have the following authority:
- 2051 (1) *Access to party.* Unless circumstances warrant otherwise, a guardian ad litem
2052 shall have access to the persons for whom a guardian ad litem is appointed and to
2053 all information relevant to the issues for which a guardian ad litem was appointed.
- 2054 (A) The access of a guardian ad litem to the child and all relevant
2055 information shall not be unduly restricted by any person or agency.
2056 (B) When the guardian ad litem seeks contact with a party who is
2057 represented by an attorney or advocate, the guardian ad litem shall
2058 notify the attorney or advocate in advance of such contact. The
2059 guardian ad litem’s contact with the represented party shall be as
2060 permitted by the party’s attorney or advocate, unless otherwise ordered
2061 by the Court.
- 2062 (2) *Timely receipt of case documents.* Until discharged by Court order a guardian
2063 ad litem shall be timely furnished copies of all relevant
2064 pleadings, documents, and reports by the party which served or submitted them.
- 2065 (3) *Timely notification.* A guardian ad litem shall be timely notified of all Court
2066 hearings, administrative reviews, staffing’s, investigations, dispositions, and other
2067 proceedings concerning the case by the person or agency scheduling the
2068 proceeding.
- 2069 (4) *Notice of proposed agreements.* A guardian ad litem shall be given notice of,
2070 and an opportunity to indicate his or her agreement or objection to any proposed
2071 agreed order of the parties governing issues substantially related to the duties of a
2072 guardian ad litem.
- 2073 (5) *Participate in all proceedings.* A guardian ad litem shall participate in Court
2074 hearings through submission of written and supplemental oral reports and as
2075 otherwise authorized by Tribal law or Court Rule.
- 2076 (6) *Access to records.* Except as limited by law or unless good cause is shown to
2077 the Court, upon receiving a copy of the order appointing a guardian ad litem, any
2078 person or agency shall permit a guardian ad litem to inspect and copy any and all
2079 records and interview personnel relating to the proceeding for which a guardian
2080 ad litem is appointed. Examples of persons and agencies to whom this provision
2081 applies include but not limited to any hospital, school, child care provider,
2082 organization, department of social and health services, doctor, health care
2083 provider, mental health provider, chemical health program, psychologist,
2084 psychiatrist, or law enforcement agency.
- 2085 (7) *Access to Court files.* Within the scope of appointment, a guardian ad litem
2086 shall have access to all relevant Judiciary files. Access to sealed or confidential
2087 files shall be by separate order. A guardian ad litem’s report shall inform the
2088 Court and parties if the report contains information from sealed or confidential
2089 files. The clerk of Court shall provide certified copies of the order of appointment
2090 to a guardian ad litem upon request and without charge.
- 2091 (u) *Rights and powers.* In every case in which a guardian ad litem is appointed, a

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2092 guardian ad litem shall have the rights and powers set forth below. These rights and
2093 powers are subject to all applicable Tribal laws and Court Rules.

2094 (1) *File documents and respond to discovery.* A guardian ad litem shall have the
2095 right to file pleadings, motions, notices memoranda, briefs, and other documents,
2096 and may, subject to the Trial Court's discretion engage in and respond to
2097 discovery.

2098 (2) *Note motions and request hearings.* A guardian ad litem shall have the right
2099 to make motions and request hearings before the Court as appropriate to the best
2100 interests of the person(s) for whom a guardian ad litem was appointed.

2101 (3) *Introduce exhibits, examine witnesses, and appeal.* A guardian ad litem shall
2102 have the right, subject to the Court's discretion, to introduce exhibits, subpoena
2103 witnesses, and conduct direct and cross examination of witnesses.

2104 (4) *Oral argument and submission of reports.* A guardian ad litem shall have the
2105 right to fully participate in the proceedings through submission of written reports,
2106 and, may with the consent of the Court present oral argument.

2107 (v) *Additional rights and powers in other cases.* For good cause shown, a guardian ad
2108 litem may petition the Court for additional authority.

2109

2110 **803.38. Hearing Procedure**

2111 803.38-1. *General Procedure.* The Court shall follow the procedures contained below for all
2112 hearings and trials, but may in its discretion shorten or eliminate procedural steps that are
2113 unnecessary for a particular hearing which may not be complex enough to warrant every step
2114 contained below.

2115 (a) *Hearing is called to Order.*

2116 (1) The full name of the Court is stated.

2117 (2) The name of the presiding Judge is stated.

2118 (3) A statement of authority and jurisdiction is made, making reference to General
2119 Tribal Council Resolution 01-07-13-Band Judiciary Law, Chapter 150 of the
2120 Oneida Code of Laws or, if in Family Court, Family Court Law, Chapter 151 of
2121 the Oneida Code of Laws.

2122 (4) The docket number of the civil case and the names of all parties are stated for
2123 the record. Advocates for parties shall state their name for the record.

2124 (b) *Pending Motions.* All pending motions are resolved prior to the commencement of
2125 the full hearing.

2126 (1) Motions filed less than fourteen (14) days prior to the hearing shall only be
2127 considered and decided in accordance with Rule 803.7-5(d).

2128 (c) *Stipulations; Additional Documents.* All stipulations or matters officially noted
2129 which are known to the parties or Judge prior to the hearing shall be entered into the
2130 record.

2131 (1) Either party with additional documents to submit for the Court's review
2132 which was not submitted two (2) days prior to the hearing may attempt to submit
2133 these documents at this time.

2134 (2) A party attempting to submit additional documents shall have a copy for each
2135 Judge and the opposing party and shall show good cause as to why the documents
2136 were not submitted prior to the hearing.

2137 (3) The Court may accept or deny the submission of documents immediately, or
2138 postpone a decision as to the reasonableness for the untimely submission until the
2139 close of the hearing.

2140 803.38-2. *Order of Presentation.* The Parties shall proceed in this order:

- 2141 (a) Parties' Opening Statements;
- 2142 (1) Plaintiff's opening statement.
- 2143 (2) Defendant's opening Statement.
- 2144 (b) The plaintiff's case;
- 2145 (c) The defendant's case;
- 2146 (d) Plaintiff rebuttal;
- 2147 (e) Defendant rebuttal;
- 2148 (f) Plaintiff closing statement;
- 2149 (g) Defendant closing statement.

2150

2151 **803.39. Appeals**

2152 803.39-1. *Where to Appeal.* All requests for an appeal from a decision of any lower hearing

2153 body or Court shall be heard by the Court of Appeals.

2154 803.39-2. *Appellate Procedure.* Upon commencement of the appellate action, parties shall be

2155 required to follow the Court of Appeals' Rules of Procedure, Chapter 154 of the Oneida Code of

2156 Laws.

2157

2158 *End.*

2159 | Adopted BC-04-25-14-A

2160 | Emergency Amended BC- - - -

Title 8. Judiciary - Chapter 803
ONEIDA JUDICIARY RULES OF CIVIL PROCEDURE

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803.1. Purpose and Policy

803.1-1. The purpose of this Law is to govern all civil actions that fall under the jurisdiction of the Oneida Tribe of Indians of Wisconsin.

803.1-2. It is the policy of the Tribe that there should be a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Tribal Courts to have their disputes resolved.

803.2. Adoption; Amendment; Repeal

803.2-1. This Law is adopted by the Oneida Business Committee by resolution BC-04-25-14-A and emergency amended by BC-__-__-__-__.

803.2-2. This Law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

803.2-3. 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.

803.2-4. 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, except where the specific laws that fall under this Court's jurisdiction provide for more specific rules of procedure, those laws shall supersede.

803.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

803.3 Definitions

803.3-1. The definitions below shall govern the words and phrases used within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

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- 28 (a) “Advocate” shall mean an Oneida non-attorney advocate as provided by law and
29 other advocate who is admitted to practice law and is presented to the Court as the
30 representative or advisor to a party.
- 31 (b) “Affidavit” shall mean a written statement voluntarily made under an oath or
32 affirmation administered by a person authorized to do so by law.
- 33 (c) “Affidavit of service” shall mean a document signed under oath or affirmation by the
34 server certifying service which sets out the time, date and place that the party was
35 served.
- 36 (d) “Answer” shall mean a formal written statement addressing the dispute on the merits
37 and presents any defenses and counterclaims.
- 38 (e) “Court of Appeals” shall mean the Court of Appeals of the Judiciary.
- 39 (f) “Attorney” shall mean a person trained and licensed to represent another person in
40 Court, to prepare documents and to give advice or counsel on matters of law.
- 41 (g) “Attorney’s fees” shall mean compensation for legal services performed by an
42 attorney or advocate for a client, in or out of Court.
- 43 (h) “Clerk” shall mean the clerk of the Trial Court including, when appropriate, the
44 Family Court clerk.
- 45 (i) “Complaint” shall mean the initial pleading setting out the case or cause of action on
46 which relief is sought by the plaintiff.
- 47 (j) “Counterclaim” shall mean a claim set up and urged by the defendant in opposition to
48 or reduction of the claim presented by the plaintiff.
- 49 (k) “Court” shall mean the Trial Court of the Oneida Judiciary. All references to “Court”
50 shall also apply to the Family Court unless specified otherwise.
- 51 (l) “Crossclaim” shall mean a claim that is made by a party in a suit that is in opposition
52 to a claim already made.
- 53 (m) “Day” or “days” shall mean calendar days, except where otherwise specified.
- 54 (n) “Defendant” shall mean the party, including a respondent in the Family Court,
55 against whom relief or recovery is sought in an action or suit. All references to
56 “defendant” apply to “respondent.”
- 57 (o) “Deposition” shall mean the taking and recording of testimony of a witness under
58 oath before a Court reporter in a place away from the courtroom before trial.
- 59 (p) “Discovery” shall mean the entire efforts to obtain information before trial through
60 demands for production of documents, depositions, interrogatories, requests for
61 admissions, examination of the scene and the petitions and motions employed to
62 enforce discovery rights.
- 63 (q) “Electronic” shall mean an electronic communication system, including, but is not
64 limited to E-mail, used for filing papers with the Court or serving papers on any other
65 party.
- 66 (r) “Ex Parte” shall mean any contact with the Judge regarding a pending case where the
67 opposing party has not received notice, is not present, and has not consented to the
68 communication.
- 69 (s) “Excusable neglect” shall mean a legitimate excuse for the failure to take some
70 proper step at the proper time. The failure to act shall have been the act of a
71 reasonably prudent person under the same circumstances; however, it shall not
72 include situations brought about by the moving party’s own carelessness or inaction.
- 73 (t) “Family Court” shall mean the Family Court pursuant to the Family Court Law,
74 Chapter 151 of the Oneida Code of Laws. All references to “Court” shall also apply
75 to the Family Court unless specified otherwise.

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- 76 (u) “Good cause” shall mean a substantial reason or legal justification for failing to
77 appear, to act, or respond to an action.
- 78 (v) “Interlocutory injunction” shall mean a Court order, made during the trial, to compel
79 or prevent a party from doing certain acts pending the final determination of the case.
- 80 (w) “Interrogatory” shall mean a set of written questions to a party to a lawsuit asked by
81 the opposing party as part of the pre-trial discovery process.
- 82 (x) “Judge” shall mean the person presiding over a case to hear and decide legal matters.
- 83 (y) “Judgment” shall mean a determination of a Court of law including a decree and any
84 order from which an appeal lies. The terms decision, opinion, judgment and order are
85 generally used similarly throughout this Law.
- 86 (z) “Judiciary” shall mean the judicial system that was established by Oneida General
87 Tribal Council resolution GTC #1-07-13-B to administer the judicial authorities and
88 responsibilities of the Tribe.
- 89 (aa) “Motion” shall mean an application to the Court for any order, judgment or other
90 form of relief requested separate from the original complaint.
- 91 (bb) “Notice” shall mean a legal notification in a written format or through a formal
92 announcement with proof of delivery to the recipient making the recipient aware of a
93 legal process affecting their rights, obligations or duties.
- 94 (cc) “Order” shall mean a decision by the Court or Judge, not included in a judgment,
95 which determines some point or directs some step in the proceedings.
- 96 (dd) “Peacemaker” shall mean an individual appointed by the parties or the Court who
97 works with parties in a Court matter to attempt to resolve a dispute in a peaceful
98 manner and in accordance with the customs of the Tribe.
- 99 (ee) “Plaintiff” shall mean the party, including a petitioner initiating an action in the
100 Family Court, who sues in a civil action. All references to “plaintiff” apply to
101 “petitioner.”
- 102 (ff) “Pleading” shall mean the formal allegations by the parties of their respective claims
103 and defenses, for the judgment of the Court.
- 104 (gg) “Proof of service” shall mean proof that a legal document has been delivered and
105 accepted by the party it is intended for by means of filing a copy of the return receipt
106 when certified mail is utilized or by an affidavit of service.
- 107 (hh) “Punitive damages” shall mean monetary compensation awarded to an injured
108 party that goes beyond that which is necessary to compensate the individual for losses
109 and that is intended to punish the wrongdoer.
- 110 (ii) “Purge” shall mean that a person or party has done what the Court required and is no
111 longer in contempt of Court.
- 112 (jj) “Reservation” shall mean all land within the exterior boundaries of the Reservation of
113 the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with
114 the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.
- 115 (kk) “Service” shall mean the delivery of a legal document that notifies the recipient of
116 the commencement of a legal action or proceeding in which he or she is involved and
117 is thereby advised or warned of some action or step which he or she is commanded to
118 take or to forbear.
- 119 (ll) “Subject-matter jurisdiction” shall mean that the Court has the authority to hear the
120 type of case or controversy in its Court.
- 121 (mm) “Subpoena” shall mean a formal document that orders a named individual to
122 appear before the Court at a fixed time to give testimony and/or produce documents.
- 123 (nn) “Summary judgment” shall mean a pre-trial Court order ruling that there are no

- 124 disputed material issues of fact and that the movant is entitled to judgment as a matter
125 of law without trial.
- 126 (oo) “Summons” shall mean an order notifying a defendant to appear in person before
127 the Court.
- 128 (pp) “Trial Court” shall mean a Court of the Judiciary where evidence and testimony
129 are first introduced, received, and considered. The Court of Appeals shall not be
130 included in this definition.
- 131 (qq) “Tribal Holiday” shall mean any holiday listed in the Tribe’s Human Resources
132 Department’s published holiday observance schedule or any day designated by the
133 Oneida Business Committee or General Tribal Council as a Tribal Holiday.
- 134 (rr) “Tribal law” shall mean an adopted Tribal code, act, statute or ordinance.
- 135 (ss) “Tribe” or “Tribal” shall mean the Oneida Tribe of Indians of Wisconsin.
- 136 (tt) “Without prejudice” shall mean that none of the rights or privileges of the individual
137 involved are considered to be lost or waived. The parties are free to litigate the
138 matter in a subsequent action, as though the dismissed action had not been started.
139

140 **803.4. General Provisions**

- 141 803.4-1. *Forms of Action.* There shall be one (1) form of action, known as a “civil action”.
- 142 803.4-2. *Immunity Not Waived.* No section, rule or part thereof, of this Law shall be construed
143 in any way to waive the sovereign immunity of the Tribe or the judicial immunity of the Judges
144 within the Judiciary.
- 145 803.4-3. *Other Rules of Procedure Used.* All matters and proceedings not specifically set forth
146 herein shall be handled in accordance with reasonable justice, as determined by the Judiciary.
147 Where this Law is ambiguous or does not address a situation, the Federal Rules of Civil
148 Procedure or Section 801 of the Wisconsin Statutes may be used as a guide. No sanction or other
149 disadvantage may be imposed for noncompliance with any requirement not in Tribal law unless
150 the alleged violator has been furnished in the particular case with actual notice of the
151 requirement.
- 152 803.4-4. At every stage of the proceeding, the Court may disregard any technical error or defect
153 in a failure to comply with this Law as long as the error or noncompliance does not affect the
154 substantive rights of the parties; particularly those not represented by an attorney.
- 155 803.4-5. All communications, service, etc. shall be directed to a party’s attorney or advocate, if
156 represented by an attorney or advocate.
- 157 803.4-6. *Application of this Law.* This Law shall be followed by the Court, except where other
158 Court rules are more specific, then those laws shall supersede. This Law shall apply to
159 proceedings regarding employee grievances, except where the Nation’s Personnel Policies and
160 Procedures are more specific, then those shall supersede. This Law shall not apply to the
161 Mediation or Peacekeeping divisions of the Trial Court.
- 162 803.4-7. *Jurisdiction.* Jurisdiction shall be established as provided in the Judiciary, Chapter 150
163 of the Oneida Code of Laws.
- 164 803.4-8. *Standard of Proof.* All matters to be decided by the Court shall be proven by a
165 preponderance of the evidence, unless specified otherwise.
166

167 **803.5. Commencement of Action; Summons; Service of Process; Filing**

- 168 803.5-1. *Complaint.* A civil action shall be commenced upon the filing of a complaint and
169 payment of a filing fee or other fee where specified by law or Court Rule.
- 170 (a) *Contents.* A complaint shall include the following:
171 (1) The name of the Court;

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- 172 (2) The full name and address of each plaintiff;
173 (3) The full name and address of each defendant;
174 (4) Why each defendant is being sued;
175 (5) Facts supporting each claim;
176 (6) Why this Court has jurisdiction;
177 (7) Specifically what relief is sought from each defendant; and
178 (8) A summons.

179 803.5-2. *Summons.* A complaint shall include a summons.

180 (a) *Contents.* A summons shall:

- 181 (1) Name the Court and the parties;
182 (2) Be directed to defendant;
183 (3) State the name and address of the plaintiff's attorney or advocate, or if
184 unrepresented, of the plaintiff;
185 (4) State the date and time to appear before the Court;
186 (5) Notify the defendant that a failure to appear and defend may result in a
187 default judgment against the defendant for the relief demanded in the complaint;
188 and
189 (6) Be signed by the clerk, and the plaintiff or plaintiff's attorney or advocate.

190 (b) *Amendments.* The Court may permit a summons to be amended within ten (10) days
191 of filing such summons.

192 (c) *Issuance.* At the time of filing the complaint, the plaintiff shall present a summons to
193 the clerk for signature. If the summons is properly completed, the clerk shall sign and
194 issue it to the plaintiff for service on the defendant.

195 803.5-3. *Service.* Within thirty (30) days after filing the summons and complaint with the Court,
196 the plaintiff shall serve the summons and complaint upon the defendant in accordance with Rule
197 803.5-6. If the Tribe, or the officers, committees, commissions, boards, or any other department
198 or division of the Tribe is a party, the plaintiff shall also serve notice to the Tribe's Secretary's
199 Office within thirty (30) days.

200 (a) An additional thirty (30) days to serve the defendant may be requested and shall be in
201 writing. The request may be granted by the Court upon a showing of good cause. The
202 granting of this request is within the discretion of the Court.

203 (b) Proof of service shall be delivered, by the plaintiff, to the Court within ten (10) days
204 of service upon the defendant. Proof of service shall be in accordance with Rule 803.5-6.

205 (c) If proof of service is not completed and/or delivered to the Court within thirty (30)
206 days, or sixty (60) days if an extension is granted, then the Court shall, after notice to the
207 plaintiff, dismiss the matter without a hearing. Such dismissal based on a failure to
208 timely serve shall be without prejudice.

209 803.5-4. *When Service Required.* Unless this Law or other Tribal Law provides otherwise, the
210 filing party shall serve each of the following papers on every party:

- 211 (a) An order that specifically states that service is required;
212 (b) A pleading filed after the original complaint including, but not limited to:
213 counterclaims, crossclaims, and third-party claims;
214 (c) A discovery paper required to be served on a party, unless the Court orders otherwise;
215 (d) A written motion; and
216 (e) A written notice, appearance, demand, or offer of judgment or any similar paper.

217 803.5-5. *If a Party Fails to Appear.* No service is required on a party who is in default for
218 failing to appear. But a pleading that asserts a new claim for relief against such a party shall be
219 served on that party according to this Law.

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220 803.5-6. *Effective Service.* Excluding the complaint, summons and answer, a party may serve
221 any other papers by electronic means if the party being served consents in writing to service by
222 electronic means. Such consent shall include the electronic communication system, including
223 the address or number, in which to send such papers. The Consent shall be filed with the Court.
224 Otherwise, service shall be as follows: When possible, service shall be done by personal service
225 as described below. If personal service is not possible, then by mail service. If mail service is
226 not possible, then upon a showing of due diligence to make personal service and service by mail,
227 service by publication may be used as a last resort.

228 (a) *Personal Service.* Personal service shall consist of delivering to the party a copy of
229 the paper being served by a law enforcement officer or other person, who is not a party to
230 the action and who is at least eighteen (18) years of age. An affidavit of service shall be
231 filed with the Court as proof of service. Personal service shall be completed by hand
232 delivering the required papers to any of the following:

- 233 (1) The party named in the action or proceeding;
234 (2) An individual residing at the party's home or usual place of abode, so long as
235 the person signing for delivery is at least eighteen (18) years of age;
236 (3) An officer, manager, agent, or partner of a non-individual party; or
237 (4) An attorney or advocate of the party, if represented.

238 (b) *Mail Service.* Service of all papers made by mail from any party shall be by certified
239 mail, with return receipt. However, the Court may provide service by first class mail.
240 The certified mail return receipt shall be filed with the Court as proof of service. The
241 return receipt shall be signed by:

- 242 (1) The party named in the action or proceeding;
243 (2) an individual residing at the party's home or usual place of abode, so long as
244 the person signing for delivery is at least eighteen (18) years of age;
245 (3) An officer, manager, agent, or partner of a non-individual party; or
246 (4) An attorney or advocate of the party, if represented.

247 (c) *Service by Publication.* When the other party's whereabouts are unknown and cannot
248 be found after diligent effort, service may be completed by publication. The publication
249 shall be in the Tribal newspaper or in a newspaper of general circulation in the area of the
250 party's last known address, and shall be designated as "Legal Notice." This notice shall
251 be published at least two (2) times within a thirty (30) day period. The two (2) notices
252 shall be published at least ten (10) days before the hearing. Copies of the two (2)
253 published notices and an affidavit of service stating the facts surrounding the failure of
254 personal and mail service shall be filed with the Court as proof of service.

- 255 (1) The Court may, on its own, order different time limits for service by
256 publication.

257 (d) *Service Refused.* If a party being personally served refuses service, service shall be
258 deemed completed if the person serving the papers does all of the following:

- 259 (1) Informs the party of the purpose of the service;
260 (2) Offers copies of the papers served;
261 (3) Leaves a copy of the papers where convenient; and
262 (4) Notes upon a copy of the papers to be filed with the Court or in an affidavit of
263 service, the time, date, and place of the attempted service, that refusal occurred
264 and where the papers were left.

265 (e) *Admission of Service.* A plaintiff may request any defendant to admit service of a
266 complaint and a summons. The request shall:

- 267 (1) Be in writing;

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- 268 (2) Name the defendant;
269 (3) Name the Court;
270 (4) Include a copy of the complaint and summons, two (2) admission of service
271 forms clearly identifying the requirement that the signature by the defendant must
272 be notarized, and a prepaid means for returning one (1) signed admission of
273 service form;
274 (5) Inform the defendant of the consequences of admitting and not admitting
275 service;
276 (6) State the date the request is sent;
277 (7) Give the party a reasonable time of at least thirty (30) days after the request
278 was sent to return the admission of service; and
279 (8) Be delivered in person or by certified mail.

280 (f) *Consequences of Admission of Service.*

- 281 (1) When the plaintiff files an admission of service signed by the defendant, proof
282 of service as otherwise required in this section shall not be required and this Law
283 shall apply as if a complaint and summons had been served at the time of filing
284 the admission of service.
285 (2) If a defendant timely returns an admission of service, the defendant shall have
286 sixty (60) days, from the time the request was sent, to serve an answer to the
287 complaint.
288 (3) Signing and admission of service of a summons and complaint shall not waive
289 any objection to personal jurisdiction or to venue.

- 290 (g) *Admission of Service other Papers.* A party may request an opposing party to admit
291 service of any other papers required to be served. Such request shall follow the
292 requirements of this section for admitting service except that under (e)(4) above, a copy
293 of the papers subject to the request shall be included and not a copy of the complaint or
294 summons.

295 803.5-7. *Filing.* Any paper after the complaint that is required to be served, including proof of
296 service, shall be filed with the Court within a reasonable time after service.

- 297 (a) *How Filing is Made.* A paper is filed by any of the following:

- 298 (1) Delivering it to the clerk.
299 (2) Certified mail.

300 (A) If a filing is made by certified mail with return receipt but is untimely
301 and the filing party can show that the mailing occurred at least three (3)
302 days prior to the due date, the Court may accept the filing as timely.

303 (3) *Electronic Filing.* A party may file papers electronically to the electronic
304 address or number, designated for such filings, of the Clerk. A paper filed by
305 electronic means shall constitute a written paper for the purpose of applying this
306 Law. Upon receipt by the Clerk, any paper filed electronically shall be deemed
307 filed, signed and verified by the filing party. A party filing electronically shall
308 have three (3) business days from the day of filing to pay any filing fees
309 associated with such filings.

310 (b) *Acceptance by the Clerk.* The clerk may refuse to accept any documents submitted
311 for filing where other requirements of this Law or other Tribal laws have not been met
312 including, but not limited to, lack of filing fee or unsigned pleadings. Filing parties shall
313 be responsible for verifying acceptance of their filings with the clerk.

314

315 **803.6. Computing and Extending Time**

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316 803.6-1. *Computing Time.* The following Rules apply in computing any time period specified in
317 this Law.

- 318 (a) *Time Period Stated in Days.* When a time period is stated in days:
319 (1) The day that the period begins shall not be counted and the last day of the
320 period shall be counted;
321 (A) In computing calendar days, time computation shall include Saturdays,
322 Sundays and Tribal holidays
323 (B) In computing business days, Saturdays, Sundays or Tribal holidays
324 shall not be counted.; and
325 (2) If the last day of the period falls on a Saturday, Sunday or Tribal holiday, the
326 period shall be extended to the next day that is not a Saturday, Sunday or
327 Tribal holiday.
328 (3) If the Clerks’ office is inaccessible during part or all of the last day for filing,
329 then the time for filing shall be extended to the first accessible day that is not a
330 Saturday, Sunday or Tribal Holiday.
331 (b) “*Last Day.*” Unless a different time is set by a Tribal Law or Court order, the last
332 day ends for filing papers with the Judiciary at the close of business on the due date.

333 803.6-2. *Extending Time.*

- 334 (a) When an act may or shall be done within a specified time, the Judge presiding over
335 the matter may, for good cause, extend time:
336 (1) On its own motion or the motion of any party, with or without notice, if made
337 before the original time or its extension expires; or
338 (2) On motion made after the time has expired if the party failed to act because of
339 excusable neglect.
340 (b) *Extension of Time for Mail Service:*
341 (1) Whenever a party may or shall act within a specified time after service and
342 service is made by mail, three (3) days shall be added after the period would
343 otherwise expire.
344 (c) Except where otherwise specified by Law, extensions shall not be granted ex parte.
345

346 **803.7. Pleadings; Form of Pleadings, Motions and Other Papers; Procedure**

347 803.7-1. *General Rules for Pleading.* All pleadings shall be liberally construed by the Court to
348 preserve and promote justice for all parties.

349 803.7-2. *Pleadings.* Only these pleadings are allowed:

- 350 (a) A complaint;
351 (b) An answer to a complaint;
352 (c) An answer to a counterclaim designated as a counter claim;
353 (d) An answer to a crossclaim;
354 (e) A third-party complaint;
355 (f) An answer to a third-party complaint; and
356 (g) If the Court orders one, a reply to an answer.

357 803.7-3. *Form of Pleadings.* The Rules governing captions and other matters of form in
358 pleadings apply to motions and other papers.

- 359 (a) *Claim for Relief.* A pleading that states a claim for relief shall be a short, clear and
360 plainly written statement specifying the following:
361 (1) The basis upon which the Court has both subject matter jurisdiction over the
362 matter, and personal jurisdiction over the parties;
363 (2) The events upon which the claims are based and the grounds upon which

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- 364 relief is sought; and
365 (3) A demand for a judgment granting the relief that is sought and which the
366 plaintiff considers to be just. Multiple forms of relief may be sought in the
367 alternative or hypothetical form and need not be consistent.
- 368 (b) *Defenses; Admissions and Denials.*
369 (1) In responding to a pleading, a party shall:
370 (A) State in short and plain terms its defenses to each claim asserted
371 against it; and
372 (B) Admit or deny the allegations asserted against it by an opposing party.
373 (2) *Denials.* A denial shall fairly respond to the substance of the allegation.
374 (3) *General and Specific Denials.* A party that intends in good faith to deny all
375 the allegations of a pleading, including the jurisdictional grounds, may do so
376 by a general denial. A party that does not intend to deny all the allegations
377 shall either specifically deny designated allegations or generally deny all
378 except those specifically admitted.
379 (4) *Denying Part of an Allegation.* A party that intends in good faith to deny only
380 part of an allegation shall admit the part that is true and deny the rest.
381 (5) *Lacking Knowledge or Information.* A party that lacks knowledge or
382 information sufficient to form a belief about the truth of an allegation shall so
383 state, and the statement has the effect of a denial.
384 (6) *Effect of Failing to Deny.* An allegation, other than an allegation relating to
385 the amount of damages, is admitted if a responsive pleading is required and
386 the allegation is not denied. If a responsive pleading is not required, an
387 allegation shall be denied or avoided.
- 388 (c) *Affirmative Defenses.* Responding to a pleading, a party shall affirmatively state any
389 avoidance or affirmative defense, including:
390 (1) accord and satisfaction;
391 (2) arbitration and award;
392 (3) assumption of risk;
393 (4) contributory negligence;
394 (5) duress;
395 (6) estoppel;
396 (7) failure of consideration;
397 (8) fraud;
398 (9) illegality;
399 (10) injury by fellow servant;
400 (11) laches;
401 (12) license;
402 (13) payment;
403 (14) release;
404 (15) res judicata;
405 (16) statute of frauds;
406 (17) statute of limitations; and
407 (18) Waiver.
- 408 (d) *Mistaken Designation.* If a party mistakenly designates a defense as a counterclaim,
409 or a counterclaim as a defense, the Court shall, if justice requires, treat the pleading as
410 though it were correctly designated, and may impose terms for doing so.
411 (e) *Caption.* Every pleading shall contain a caption heading with the name of the Court,

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412 the title of the action, the trial docket number (if known) and a designation as to what
413 kind of pleading it is.

414 (1) The title of the complaint shall name all the names of the parties, mailing
415 address, phone number and agent or other contact person, if known.

416 (2) The name of the first party on each side may be used in all pleadings except
417 the initial complaint, which shall include all litigants.

418 (3) In the interest of judicial efficiency, the Court may amend a caption heading
419 at any time to accurately identify the parties to the action.

420 (f) *Paragraphs.* All statements of the complaint and answer shall be set forth in separate
421 numbered paragraphs which shall be limited, as close as practicable, to a single
422 occurrence, event, circumstance or issue.

423 (g) *References and Exhibits.* Pleadings may adopt, by reference, any statements
424 elsewhere in the same pleading or in any other pleading or motion. A copy of a written
425 instrument that is an exhibit or attachment is a part of the pleading for all purposes.
426 References shall be clear and specific to a particular document or other piece of evidence.

427 (h) *Paper.* Where possible, all papers filed with the Court shall be on letter sized paper
428 (8.5 x 11), typed with 1.5 line spacing, and have at least a one inch (1”) margin on all
429 sides.

430 (i) *Copies Submitted.* Parties filing papers with the Court shall include one original and
431 one (1) copy for use by the Court.

432 (1) Parties shall serve one (1) copy of said papers to the opposing party or if
433 represented, to opposing party’s attorney or advocate.

434 (2) Failure to supply sufficient copies to the Court may result in a copy fee
435 assigned to the filing party.

436 803.7-4. *Form of Motion.* A request for a Court order shall be made by motion. The motion
437 shall:

438 (a) Be in writing unless made during a hearing or trial;

439 (b) State with particularity the grounds for seeking the order; and

440 (c) State the relief sought.

441 803.7-5. *Procedure.* All parties filing any motion for consideration by the Court shall serve
442 such motion at least fourteen (14) days prior to the hearing and shall adhere to the following
443 procedure, except where the Court determines that the application of the time limits would be
444 impractical in an individual case:

445 (a) The moving party shall submit the motion to the Court, with proof of service.

446 (b) From the date that the motion is filed with the Court, the opposing party shall have
447 fourteen (14) days to file with the Court and serve on any opposing party, a written
448 response to the motion.

449 (c) Non-substantive procedural motions, such as a motion for extension, motion to
450 submit additional pages, notice of representation, etc. may be granted or denied
451 immediately by the Court and without a response from the opposing party.

452 (d) Motions filed with the Court less than fourteen (14) days prior to a hearing may be
453 considered at or before the hearing, if justice so requires. An opportunity shall be given
454 to the non-moving party to respond verbally or in writing to the motion at or before the
455 hearing.

456 803.7-6. *Supporting Affidavits.* Any affidavit supporting a motion shall be served with the
457 motion. Any opposing affidavit shall be served at least seven (7) days before the hearing, unless
458 the Court permits service at another time.

459

460 **803.8. Signing Pleadings, Motions, and Other Papers; Representations to the Court;**
461 **Sanctions**

462 803.8-1. *Signature.* Every pleading, motion or other paper shall be signed by the party or the
463 party's attorney or advocate, if represented by an attorney or advocate. Every pleading, motion
464 or other paper shall state the signer's address and telephone number.

465 (a) The Court shall strike an unsigned paper unless the omission is promptly corrected
466 within a reasonable period of time after being called to the attorney's, advocate's or
467 party's attention.

468 (b) A pleading need not be verified or accompanied by an affidavit.

469 803.8-2. *Representations to the Court.* By presenting to the Court a pleading, written motion, or
470 other paper-whether by signing, filing, submitting, or later advocating it, an attorney, advocate or
471 unrepresented party certifies that to the best of the person's knowledge, information, and belief
472 formed after an inquiry reasonable under the circumstances that:

473 (a) It is not being presented for any improper purpose, such as to harass, cause
474 unnecessary delay, or needlessly increase the cost of litigation;

475 (b) The claims, defenses, and other legal contentions are warranted by existing law or by
476 a nonfrivolous argument for extending, modifying or reversing existing law or for
477 establishing new law;

478 (c) The factual contentions have evidentiary support or, if specifically so identified, will
479 likely have evidentiary support after a reasonable opportunity for further investigation
480 or discovery; and

481 (d) The denials of factual contentions are warranted on the evidence or, if specifically so
482 identified, are reasonably based on belief or a lack of information.

483 803.8-3. *Sanctions.*

484 (a) *In General.* If, after notice and a reasonable opportunity to respond, the Court
485 determines that Rule 803.8-2 has been violated, the Court may impose an appropriate
486 sanction on any attorney, law firm, advocate, or party that violated the Rule or is
487 responsible for the violation. Absent exceptional circumstances, a law firm shall be held
488 jointly responsible for a violation committed by its partner, associate, or employee.

489 (b) *Motion for Sanctions.* A motion for sanctions shall be made separately from any
490 other motion and shall describe the specific conduct that allegedly violates Rule 803.8-2.
491 The motion shall be served under Rule 803.5-6, but it shall not be filed or be presented to
492 the Court if the challenged paper, claim, defense, contention, or denial is withdrawn or
493 appropriately corrected within twenty-one (21) days after service or within another time
494 the Court sets. If warranted, the Court may award to the prevailing party the reasonable
495 expenses, including attorney's fees, incurred for the motion.

496 (c) *On the Court's Initiative.* On its own, the Court may order an attorney, law firm,
497 advocate, or party to show cause why the representations to the Court have not violated
498 Rule 803.8-2.

499 (d) *Nature of a Sanction.* A sanction imposed under this Rule shall be limited to what
500 suffices to deter repetition of the conduct or comparable conduct by others similarly
501 situated. The sanction may include nonmonetary directives; an order to pay a penalty
502 into the Court; or if imposed on motion and warranted for effective deterrence, an order
503 directing payment to the movant of part or all of the reasonable attorney's fees and other
504 expenses directly resulting from the violation.

505 (e) *Limitations on Monetary Sanctions.* The Court shall not impose a monetary sanction:

506 (1) Against a represented party for violating Rule 803.8-2; or

507 (2) On its own, unless a party failed to show cause under Rule 803.8-3(c).

508 (f) *Requirements for an Order.* An order imposing a sanction shall describe the
509 sanctioned conduct and explain the basis for the sanction.

510 803.8-4. *Inapplicability to Discovery.* This Rule, 803.8, shall not apply to disclosures, requests,
511 responses, objections and motions made during discovery under Rules 803.14 through 803.20.

512

513 **803.9 Defenses and Objections: When and How Presented; Motion for Judgment on the**
514 **Pleadings; Consolidated Motions; Waiving Defenses; Pretrial Hearing**

515 803.9-1. *Time to Serve a Responsive Pleading.*

516 (a) *In General.* Except as otherwise provided by this Law or other Tribal Law, the time
517 for serving a responsive pleading is as follows:

518 (1) A party shall serve an answer to a complaint, counterclaim, crossclaim or
519 third-party claim within twenty (20) days after being served with the pleading that
520 states the complaint, counterclaim, crossclaim or third-party claim.

521 (2) A party shall serve a reply to an answer within twenty (20) days after being
522 served with an order to reply, unless the order specifies a different time.

523 (3) A party may answer or reply orally at a hearing with the Court's permission.

524 (b) *Effect of a Motion.* Unless the Court sets a different time, serving a motion under this
525 Rule alters these periods as follows:

526 (1) If the Court denies the motion or postpones its disposition until trial, the
527 responsive pleading shall be served within fourteen (14) days after notice of the
528 Court's action; or

529 (2) If the Court grants a motion for a more definite statement, the responsive
530 pleading shall be served within fourteen (14) days after the more definite
531 statement is served.

532 803.9-2. *How to Present Defenses.*

533 (a) Every defense to a claim for relief in any pleading shall be asserted in the responsive
534 pleading if one is required, except those listed below. If a responsive pleading is not
535 required, any defense may be asserted at hearing. A party may assert the following
536 defenses by motion:

537 (1) Lack of subject-matter jurisdiction;

538 (2) Lack of personal jurisdiction;

539 (3) Improper venue;

540 (4) Insufficient process;

541 (5) Insufficient service of process;

542 (6) Failure to state a claim upon which relief can be granted; and

543 (7) Failure to join a party.

544 (b) A motion asserting any of these defenses shall be made before pleading if a
545 responsive pleading is required. If a pleading sets out a claim for relief that does not
546 require a responsive pleading, an opposing party may assert at trial any defense to that
547 claim. No defense or objection is waived by joining it with one (1) or more other
548 defenses or objections in a responsive pleading or in a motion.

549 803.9-3. *Motion for Judgment on the Pleadings.* Pleadings are closed when every pleading
550 asserting a claim, counter-claim or crossclaim has been answered. After the pleadings are
551 closed, but early enough not to delay trial, a party may move for judgment on the pleadings.

552 803.9-4. *Result of Presenting Matters Outside the Pleadings.* If, on a motion under Rule 803.9-
553 2(a)(6) or 803.9-3, matters outside the pleadings are presented to and not excluded by the Court,
554 the motion shall be treated as one for summary judgment. All parties shall be given a reasonable
555 opportunity to present all the material that is pertinent to the motion.

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556 803.9-5. *Motion for a More Definite Statement.* A party may move for a more definite
557 statement of a pleading to which a responsive pleading is allowed but which is so vague or
558 ambiguous that the party cannot reasonably prepare a response. The motion shall be made before
559 filing a responsive pleading and shall point out the defects complained of and the details desired.
560 If the Court orders a more definite statement and the order is not obeyed within fourteen (14)
561 days after notice of the order or within the time the Court sets, the Court may strike the pleading
562 or issue any other appropriate order.

563 803.9-6. *Motion to Strike.* The Court may strike from a pleading an insufficient defense or any
564 redundant, immaterial, impertinent, or scandalous matter. The Court may act:

- 565 (a) On its own; or
566 (b) On motion made by a party either before responding to the pleading or, if a response
567 is not allowed, within twenty-one (21) days after being served with the pleading.

568 803.9-7. *Joining Motions.*

569 (a) *Right to Join.* A motion under this section may be joined with any other motion
570 allowed by this section.

571 (b) *Limitation on Further Motions.* Except as required in Rule 803.9-8(b) or (c), a party
572 that makes a motion under Rule 803.9-2(a) shall not make another motion under Rule
573 803.9-2(a) raising a defense or objection that was available to the party but omitted from
574 its earlier motion.

575 803.9-8. *Waiving and Preserving Certain Defenses.*

576 (a) *When Some Are Waived.* A party waives any defense listed in Rule 803.9-2(a)(2)–(5)
577 by:

578 (1) Omitting it from a motion in the circumstances described in Rule 803.9-7(b);
579 or

580 (2) Failing to either:

581 (A) Make it by motion under this Rule; or

582 (B) Include it in a responsive pleading or in an amendment allowed by
583 Rule 803.11-1 as a matter of course.

584 (b) *When to Raise Others.* The following may be raised in any pleading, by motion, or at
585 trial:

586 (1) Failure to state a claim upon which relief can be granted;

587 (2) Failure to join a necessary party; and/or

588 (3) Failure to state a legal defense to a claim.

589 (c) *Lack of Subject-Matter Jurisdiction.* If the Court determines at any time that it lacks
590 subject-matter jurisdiction, the Court shall dismiss the action.

591 803.9-9. *Hearing Before Trial.* Upon the motion of any party, the Court may hear and decide
592 the following prior to trial, unless the Court orders a deferral until trial:

593 (a) any defense listed in Rule 803.9-2(a), or

594 (b) a motion for judgment on the pleadings.

595

596 **803.10. Counterclaim; Crossclaim; Third-Party Claim;**

597 803.10-1. *Counterclaim.*

598 (a) A party against whom a claim has been made may assert a claim against the opposing
599 party if the claim:

600 (1) Arises out of the same transaction or occurrence that is the subject-matter of
601 the opposing party's claim; and

602 (2) Does not require adding another party over whom the Court cannot acquire
603 jurisdiction.

604 (b) *Exception.* The pleader may not assert the claim if the claim is subject to another
605 pending action.

606 (c) *Relief.* A counterclaim need not diminish or defeat the recovery sought by the
607 opposing party. It may request relief that exceeds in amount or differs in kind from the
608 relief sought by the opposing party.

609 803.10-2. *Crossclaim.* A party against whom a claim is made may assert a claim against a co-
610 party if the claim arises out of the same transaction or occurrence that is the subject-matter of the
611 original action or of a counterclaim.

612 803.10-3. *Third-Party Claim.* A party against whom a claim is made may assert against a third-
613 party any claim arising out of the same transaction or occurrence, alleging that the third-party is
614 liable for part or the entire claim of the opposing party. A party asserting a third-party claim
615 shall, by motion, obtain the Court’s leave if it files the third-party claim more than fourteen (14)
616 days after serving its original answer. If any person or entity believes it should be included in a
617 case, it may motion the Court to be joined as a third-party.

618

619 **803.11. Amended Pleadings**

620 803.11-1. *Amendments Before Trial.* A party may amend any pleading once within ten (10)
621 days of the original filing, unless an answer has already been filed. If an answer has been filed,
622 any amendments may only be made with the opposing party’s written consent or with the
623 Court’s permission. The Court shall freely give permission when justice so requires.

624 (a) Unless the Court orders otherwise, any required response to an amended pleading
625 shall be made within the time remaining to respond to the original pleading or within
626 fourteen (14) days after service of the amended pleading, whichever is later.

627 803.11-2. *Amendments During and After Trial.*

628 (a) *Based on an Objection at Trial.* If, at trial, a party objects that evidence is not within
629 the issues raised in the pleadings, the Court may permit the pleadings to be amended.
630 The Court should freely permit an amendment when doing so will aid in presenting the
631 merits and the objecting party fails to satisfy the Court that the evidence would prejudice
632 that party’s action or defense on the merits. The Court may grant a continuance to enable
633 the objecting party to provide evidence to satisfy the Court that the evidence would
634 prejudice their action or defense on the merits.

635 (b) *For Issues Tried by Consent.* When an issue not raised by the pleadings is tried by
636 the parties’ express or implied consent, it shall be treated in all respects as if raised in the
637 pleadings. A party may move—at any time, even after judgment—to amend the
638 pleadings to conform to the evidence and to raise an unpleaded issue. However, failure
639 to amend shall not affect the outcome of that issue.

640

641 **803.12. Pretrial Meeting and Filing**

642 803.12-1. *Purposes of a Pretrial Meeting.*

643 (a) Upon written request of either party or the Court’s own initiative, a pretrial meeting
644 shall be scheduled directing the attorneys or advocates and any unrepresented parties to
645 appear, for such purposes as:

646 (1) Expediting disposition of the action;

647 (2) Establishing early and continuing control so that the case will not be
648 protracted because of lack of management;

649 (3) Discouraging wasteful pretrial activities;

650 (4) Improving the quality of the trial through more thorough preparation,
651 including a discovery plan. A discovery plan shall state the parties’ views and

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- 652 proposals on:
- 653 (A) what changes should be made in the timing, form, or requirement for
654 disclosures under Rules 803.14-2 and 803.14-5, including a statement of
655 when initial disclosures were made or will be made;
- 656 (B) the subjects on which discovery may be needed, when discovery
657 should be completed, and whether discovery should be conducted in
658 phases or be limited to or focused on particular issues;
- 659 (C) any issues about disclosure or discovery of electronically stored
660 information, including the form or forms in which it should be produced;
- 661 (D) any issues about claims of privilege or of protection as trial-
662 preparation materials, including—if the parties agree on a procedure to
663 assert these claims after production— whether to ask the Court to include
664 their agreement in an order;
- 665 (E) what changes should be made in the limitations on discovery imposed
666 under this Law or by local rule, and what other limitations should be
667 imposed; and
- 668 (F) any other orders that the Court should issue under Rule 803.14-6 or
669 under Rules 803.12-1(c) and (e); and
- 670 (5) Facilitating settlement.
- 671 (A) If the parties request or agree to participate in peacemaking or
672 mediation, the trial proceedings may be stayed up to forty-five (45) days
673 in order for the parties to work towards reaching an acceptable solution.
674 The Court shall appoint a peacemaker or mediator when necessary.
- 675 (B) If the parties are close to a resolution, but need more time, they may
676 move the Court for an extension of the stay. The extension shall not
677 exceed an additional thirty (30) days.
- 678 (b) *Parties' Responsibility*. In conferring, the parties shall consider the nature and basis
679 of their claims and defenses and the possibilities for promptly settling or resolving the
680 case; make or arrange for the disclosures required by Rules 803.14-2 and 803.14-5;
681 discuss any issues about preserving discoverable information; develop a proposed
682 discovery plan; and prepare a pretrial statement.
- 683 (1) The attorneys or advocates of record and all unrepresented parties that have
684 appeared in the case shall be jointly responsible for arranging the meeting, for
685 attempting in good faith to agree on the proposed discovery plan, preparing the
686 pretrial statement, and for submitting to the Court within fourteen (14) days after
687 the meeting a written report outlining the plan and the pretrial statement. The
688 Court may order the parties, advocates or attorneys to attend the meeting in
689 person. The pretrial statement shall contain the following:
- 690 (A) The uncontested facts deemed material;
- 691 (B) The uncontested issues of fact and law as the attorneys or advocates
692 or unrepresented parties can agree are material or applicable;
- 693 (C) A separate statement by each party of other issues of fact or law
694 which that party believes material;
- 695 (D) A list of the witnesses intended to be used by each party during the
696 trial, other than those intended to be used solely for impeachment. No
697 witnesses shall be used at the trial other than those listed, except to
698 prevent injustice; and
- 699 (E) A list of the exhibits which each party intends to use at trial, other

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700 than those intended to be used solely for impeachment, specifying
701 exhibits which the parties agree are admissible at trial. No exhibits shall
702 be used during the trial other than those listed, except to prevent
703 injustice.

704 (c) During pretrial meetings, the Court may take appropriate action including, but not
705 limited to:

- 706 (1) Any matters which will aid in the simplification, clarification, settlement or
707 disposition of the case;
- 708 (2) Additional or deleted procedures to be followed at the hearing;
- 709 (3) Settlement discussions;
- 710 (4) The necessity or desirability of amending the pleadings;
- 711 (5) The appropriateness and timing of a summary judgment;
- 712 (6) The control and scheduling of discovery;
- 713 (7) The identification of witnesses and documents, the need and schedule for
714 filing and exchanging of pretrial briefs, the dates for further pretrial meetings and
715 trial;
- 716 (8) The disposition of pending motions;
- 717 (9) The need for adopting special procedures for managing potentially difficult or
718 protracted actions that may involve complex issues, multiple parties, difficult
719 legal questions, or unusual proof problems;
- 720 (10) Obtaining admissions and stipulations about facts and documents to avoid
721 unnecessary proof, and ruling in advance on the admissibility of evidence; and
- 722 (11) Facilitating in other ways the just, speedy and inexpensive disposition of the
723 action.

724 (d) Unless the Court orders otherwise, one (1) pretrial meeting shall be scheduled at least
725 twenty-one (21) days prior to a formal hearing.

726 (1) Subsequent pretrial meetings may be scheduled at any time before trial,
727 provided that, at least one (1) has taken place earlier than twenty-one (21) days
728 before a formal hearing or other time set by the Court.

729 (2) The Court may, in its discretion, forgo pretrial meetings under this Rule.

730 (e) Scheduling Order. The Court shall issue a scheduling order as soon as practicable,
731 but in any event within the earlier of sixty (60) days after any defendant has been served
732 with the complaint or forty-five (45) days after any defendant has appeared. The
733 scheduling order shall limit the time to join other parties, amend the pleadings, complete
734 discovery and file motions. A schedule may be modified only for good cause and with
735 the Court's consent. The scheduling order may include, but is not limited to:

- 736 (1) modifying the timing of disclosures under Rules 803.14-2 and 803.14-5;
- 737 (2) modifying the extent of discovery;
- 738 (3) providing for disclosure or discovery of electronically stored information;
- 739 (4) any agreements the parties reach for asserting claims of privilege or of
740 protection as trial preparation material after information is produced;
- 741 (5) setting dates for pretrial meetings and for trial; and
- 742 (6) other appropriate matters.

743 803.12-2. *Pretrial Filing Procedure*

744 (a) *Submission of Documents.* Parties shall submit all documents including, but not
745 limited to, proposed exhibits and other evidence (or copies) that a party plans to use at
746 trial for the Court to review not less than two (2) days prior to a scheduled hearing.

747 (1) Documents submitted after this time or at the time of the hearing shall only be

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748 admitted if the Court determined that:
749 (A) The documentation has a direct impact upon the outcome of the
750 hearing;
751 (B) Is admissible under this Law or the Rules of Evidence; and
752 (C) Good cause is shown as to why the submission is untimely.

753 803.12-3. *Pretrial Orders*. After any meeting under this Rule, the Court shall issue an order
754 reciting the action taken. This order controls the course of the action unless the Court modifies it.

755 803.12-4. *Final Pretrial Meeting and Orders*. The Court may hold a final pretrial meeting to
756 formulate a trial plan, including a plan to facilitate the admission of evidence. The meeting shall
757 be held as close to the start of trial as is reasonable, and shall be attended by at least one (1)
758 attorney or advocate who shall conduct the trial for each party and by any unrepresented party.
759 The Court may modify the order issued after a final pretrial meeting only to prevent manifest
760 injustice.

761 803.12-5. *Sanctions*.

762 (a) *In General*. On motion or on its own, the Court may issue any just orders, including
763 those authorized by Rule 803.20-2(b)(1), if a party or its attorney or advocate:

764 (1) Fails to appear at a scheduling or other pretrial meeting;

765 (2) Is substantially unprepared to participate—or does not participate in good
766 faith—in the meeting; or

767 (3) Fails to obey a scheduling or other pretrial order.

768 (b) *Imposing Fees and Costs*. Instead of or in addition to any other sanction, the Court
769 shall order the party, its attorney or advocate, or all to pay the reasonable expenses—
770 including attorney’s fees—incurred because of any noncompliance with this Rule, unless
771 the noncompliance was substantially justified or other circumstances make an award of
772 expenses unjust.

773

774 **803.13. Substitution of Parties**

775 803.13-1. *Death of a Party*.

776 (a) *Substitution if the Claim Is Not Extinguished*. If a party dies and the claim is not
777 extinguished, the Court may order substitution of the proper party. A motion for
778 substitution may be made by any party or by the decedent’s successor or representative.
779 If the motion is not made within ninety (90) days after service, to the Court and all other
780 parties, of a statement noting the death, the action by or against the decedent shall be
781 dismissed.

782 (b) *Continuation Among the Remaining Parties*. After a party’s death, if the right sought
783 to be enforced survives only to or against the remaining parties, the action shall not abate,
784 but proceeds in favor of or against the remaining parties. The death shall be noted on the
785 record.

786 (c) *Service*. A motion to substitute, together with a notice of hearing, shall be served on
787 the parties. A statement noting death shall be served in the same manner.

788 803.13-2. *Incompetency*. If a party becomes incompetent, the Court may, on its own or on
789 motion, permit the action to be continued by or against the party’s representative.

790 803.13-3. *Transfer of Interest*. If an interest is transferred, the action may be continued by or
791 against the original party unless the Court, on motion, orders the transferee to be substituted in
792 the action or joined with the original party.

793

794 **803.14. Discovery**

795 803.14-1. *Scope*. Unless otherwise limited by Court order, the scope of discovery is as follows:

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796 (a) Parties may obtain discovery regarding any nonprivileged matter that is relevant to
797 any party’s claim or defense—including the existence, description, nature, custody,
798 condition, and location of any documents or other tangible things and the identity and
799 location of persons who know of any discoverable matter.

800 (b) For good cause, the Court may order discovery of any matter relevant to the subject
801 matter involved in the action. Relevant information need not be admissible at the trial if
802 the discovery appears reasonably calculated to lead to the discovery of admissible
803 evidence. All discovery is subject to the limitations imposed by Rule 803.14-3.

804 803.14-2. *Required Disclosures.* A party shall, without awaiting a discovery request, provide to
805 the other parties:

806 (a) The name and, if known, the address and telephone number of each individual likely
807 to have discoverable information along with the subjects of that information that the
808 disclosing party may use to support its claims or defenses, unless the use would be solely
809 for impeachment;

810 (b) A copy or a description by category and location—of all documents, electronically
811 stored information, and tangible things that the disclosing party has in its possession,
812 custody, or control and may use to support its claims or defenses, unless the use would be
813 solely for impeachment;

814 (c) A computation of each category of damages claimed by the disclosing party;

815 (d) For inspection and copying as under Rule 803.17, any insurance agreement under
816 which an insurance business may be liable to satisfy all or part of a possible judgment in
817 the action or to indemnify or reimburse for payments made to satisfy the judgment.

818 (e) *Exceptions.* Required disclosures under this section may be excused, at the Courts
819 discretion, in a Family Court case.

820 803.14-3. *Limitations.* On motion or on its own, the Court shall limit the frequency or extent of
821 discovery otherwise allowed by this Law if it determines that:

822 (a) The discovery sought is unreasonably cumulative or duplicative, or can be obtained
823 from some other source that is more convenient, less burdensome, or less expensive; or

824 (b) The party seeking discovery has had ample opportunity to obtain the information by
825 discovery in the action; or

826 (c) The burden or expense of the proposed discovery outweighs its likely benefit,
827 considering the needs of the case, the amount in controversy, the parties’ resources, the
828 importance of the issues at stake in the action, and the importance of the discovery in
829 resolving the issues.

830 803.14-4. *Time for Required Disclosures.* A party shall make the required disclosures at the
831 parties’ Rule 803.12 pretrial meeting unless a different time is set by the Court.

832 803.14-5. *Required Pretrial Disclosures.*

833 (a) In addition to the disclosures required by Rule 803.14-2, a party shall provide to the
834 other parties and promptly file the following information about the evidence that it
835 may present at trial other than solely for impeachment:

836 (1) the name and, if not previously provided, the address and telephone number of
837 each witness—separately identifying those the party expects to present and
838 those it may call if the need arises;

839 (2) the designation of those witnesses whose testimony the party expects to
840 present by deposition and, if not taken stenographically, a transcript of the
841 pertinent parts of the deposition; and

842 (3) an identification of each document or other exhibit, including summaries of
843 other evidence—separately identifying those items the party expects to offer

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844 and those it may offer if the need arises.

845 (b) *Time for Required Pretrial Disclosures; Objections.* Unless the Court orders
846 otherwise, these disclosures shall be made at least 30 (thirty) days before trial.
847 Within fourteen (14) days after they are made, unless the Court sets a different time, a
848 party may serve and promptly file a list of the following objections: any objections to
849 the use of a deposition designated by another party under Rule 803.14-5(a)(2) and any
850 objection, together with the grounds for it, that may be made to the admissibility of
851 materials identified under Rule 803.14-5(a)(3). An objection not so made—except
852 for one under Oneida Judiciary Rules of Evidence, Rules 155.7-2 or 155.7-3—is
853 waived unless excused by the Court for good cause.

854 803.14-6. *Protective Order.* A party or any person or entity from which discovery is sought
855 may move for a protective order from the Court. The motion shall include a certification that the
856 movant has in good faith conferred or attempted to confer with the other parties, persons or
857 entities in an effort to resolve the issue without Court action. The Court may issue an order to
858 protect a party or person from annoyance, embarrassment, oppression, or undue burden or
859 expense, including one (1) or more of the following:

- 860 (a) Forbidding the disclosure or discovery;
- 861 (b) Specifying terms, including time and place, for the disclosure or discovery;
- 862 (c) Prescribing a discovery method other than the one selected by the party seeking
863 discovery;
- 864 (d) Forbidding inquiry into certain matters, or limiting the scope of disclosure, or
865 discovery to certain matters;
- 866 (e) Designating the persons who may be present while the discovery is conducted;
- 867 (f) Requiring that a deposition be sealed and opened only on Court order;
- 868 (g) Requiring that the parties simultaneously file specified documents or information in
869 sealed envelopes, to be opened as the Court directs;
- 870 (h) Redacting sensitive documents; or
- 871 (i) Any other order necessary to ensure discovery is conducted fairly.

872 803.14-7. *Supplementing Disclosures and Responses.* A party or person who has made a
873 disclosure or who has responded to an interrogatory, request for production, or request for
874 admission, shall supplement or correct its disclosure or response:

- 875 (a) In a timely manner if the party learns that in some material respect the disclosure or
876 response is incomplete or incorrect, and if the additional or corrective information has not
877 otherwise been made known to the other parties during the discovery process or in
878 writing; or
- 879 (b) As ordered by the Court.

880 803.14-8. *Signature Required; Effect of Signature.*

881 (a) Every disclosure under Rule 803.14-2 and 803.14-5 and every discovery request,
882 response, or objection shall be signed by at least one (1) attorney or advocate of record in
883 the attorney's or advocate's own name—or by the party personally, if unrepresented—
884 and shall state the signer's address and telephone number. By signing, an attorney,
885 advocate or party certifies that to the best of the person's knowledge, information, and
886 belief formed after a reasonable inquiry that:

887 (1) With respect to a disclosure, it is complete and correct as of the time it is
888 made; and

889 (2) With respect to a discovery request, response, or objection, it is:

890 (A) Consistent with this Law and warranted by existing law or by a
891 nonfrivolous argument for extending, modifying, or reversing existing

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892 law, or for establishing new law;
893 (B) Not used for any improper purpose, such as to harass, cause
894 unnecessary delay, or needlessly increase the cost of litigation; and
895 (C) Neither unreasonable nor unduly burdensome or expensive,
896 considering the needs of the case, prior discovery in the case, the amount
897 in controversy, and the importance of the issues at stake in the action.

898 (b) *Failure to Sign.* Other parties have no duty to act on an unsigned disclosure, request,
899 response, or objection until it is signed, and the Court shall strike it unless a signature is
900 promptly supplied after the omission is called to the attorney's, advocate's or party's
901 attention.

902 803.14-9. *Failure to Disclose.* If a party fails to respond or appear for discovery under this
903 Rule, the opposing party may move for an order to compel the defaulting party to perform. The
904 Court may award costs to the non-defaulting party.

905 (a) If a party fails to perform after being ordered to do so by the Court, the Court may
906 order any sanction under Rule 803.20-2(b)(1).

907 803.14-10. *Information Produced.* If information produced in discovery is subject to a claim of
908 privilege or of protection as trial-preparation material, the party making the claim may notify any
909 party that received the information of the claim and the basis for it. After being notified, a party:

910 (a) Shall promptly return, sequester, or destroy the specified information and any copies
911 it has;

912 (b) Shall not use or disclose the information until the claim is resolved;

913 (c) Shall take reasonable steps to retrieve the information if the party disclosed it before
914 being notified; and

915 (d) May promptly present the information to the Court under seal for a determination of
916 the claim. The producing party shall preserve the information until the claim is resolved.

917

918 **803.15. Depositions**

919 803.15-1. *Generally.* All depositions shall be taken under oath or under penalty of perjury
920 before a person authorized to administer oaths or a person appointed by the Court to
921 administer oaths and take testimony.

922 (a) *When a Deposition May Be Taken.* A party may, by oral and/or written questions,
923 depose any person, including a party, at any time if consented to orally or in writing by
924 such person being deposed, or during the time set during the pretrial meeting under Rule
925 803.12-1(a).

926 (b) *Notice.* A party who wants to depose a person shall give reasonable written notice to
927 every other party. The notice shall state the time and place of the deposition and, if
928 known, the deponent's name and address.

929 (1) Not less than ten (10) days' notice shall be given, if deposing an adverse party
930 or non-party witness.

931 (c) *Service; Required Notice.*

932 (1) A party who wants to depose a person by written questions shall serve such
933 questions on every other party.

934 (2) Any questions to the deponent from other parties shall be served on all parties
935 as follows: cross-questions, within seven (7) days after being served with the
936 notice and direct questions; redirect questions, within seven (7) days after being
937 served with cross-questions; and recross-questions, within seven (7) days after
938 being served with redirect questions. The Court may, for good cause, extend or
939 shorten these times.

940 (d) *Producing Documents.* If a subpoena requiring production of documents is to be
941 served on the deponent, the materials designated for production shall be listed in the
942 notice or in an attachment.

943 (e) *Transcripts.* A transcript of the deposition shall be made and shall be available for
944 use by the parties and the Court. The deposing party bears the cost of recording. Each
945 party shall bear its own cost of obtaining transcripts.

946 (f) *Objections.* An objection at the time of the examination—whether to evidence, to a
947 party’s conduct, to the manner of taking the deposition, or to any other aspect of the
948 deposition—shall be noted on the record, but the examination shall still proceed; the
949 testimony is taken subject to any objection. An objection shall be stated concisely in a
950 nonargumentative and nonsuggestive manner. A person may instruct a deponent not to
951 answer only when necessary to preserve a privilege or to enforce a limitation ordered by
952 the Court.

953 (g) *Duration.* Unless otherwise stipulated or ordered by the Court, a deposition shall be
954 limited to two (2) days, with questioning occurring for up to seven (7) hours per day.

955 803.15-2. *Sanction.* The Court may impose an appropriate sanction—including the reasonable
956 expenses and attorney’s fees incurred by any party—on a person who impedes, delays, or
957 frustrates the fair examination of the deponent.

958 803.15-3. *Motion to Terminate or Limit.*

959 (a) *Grounds.* At any time during a deposition, the deponent or a party may move to
960 terminate or limit it on the ground that it is being conducted in bad faith or in a manner
961 that unreasonably annoys, embarrasses, or oppresses the deponent or party. If the
962 objecting deponent or party so demands, the deposition shall be suspended for the time
963 necessary to obtain an order.

964 (b) *Order.* The Court may order that the deposition be terminated or may limit its scope
965 and manner as provided in Rule 803.14-6. If terminated, the deposition may be resumed
966 only by order of the Court.

968 **803.16. Interrogatories**

969 803.16-1. *In General.*

970 (a) Unless otherwise stipulated or ordered by the Court, a party may serve on any other
971 party no more than twenty-five (25) written interrogatories. Parties shall not evade this
972 limitation through the device of joining as “subparts” questions that seek information
973 about separate subjects. However, a question asking about communications of a
974 particular type shall be treated as a single interrogatory even though it requests that the
975 time, place, persons present, and contents be stated separately for each such
976 communication. Leave to serve additional interrogatories may be granted to the extent
977 consistent with Rule 803.14-3. (b) An interrogatory may relate to any matter that may be
978 inquired into under Rule 803.14-1. An interrogatory is not objectionable merely because
979 it asks for an opinion or contention that relates to fact or the application of law to fact, but
980 the Court may order that the interrogatory need not be answered until designated
981 discovery is complete, or until a pretrial meeting or some other time.

982 803.16-2. *Answers and Objections.*

983 (a) *Responding Party.* The interrogatories shall be answered by the party to whom they
984 are directed.

985 (b) *Time to Respond.* The responding party shall serve its answers and any objections
986 within twenty (20) days after being served with the interrogatories. A shorter or longer
987 time may be ordered by the Court.

988 (c) *Answering Each Interrogatory.* Each interrogatory shall, to the extent it is not
989 objected to, be answered separately and fully in writing under oath or penalty of perjury.

990 (d) *Objections.* The grounds for objecting to an interrogatory shall be stated with
991 specificity. Any ground not stated in a timely objection is waived unless the Court, for
992 good cause, excuses the failure.

993 (e) *Signature.* The person who makes the answers shall sign them, and the person who
994 objects shall sign any objections.
995

996 **803.17. Producing Documents, Electronically Stored Information, and Tangible Things, or**
997 **Entering onto Land, for Inspection and Other Purposes**

998 803.17-1. *In General.* A party may serve on any other party a request within the scope of Rule
999 803.14:

1000 (a) To produce and permit the requesting party or its representative to inspect, copy, test,
1001 or sample the following items in the responding party's possession, custody, or control:

1002 (1) Any designated documents or electronically stored information—including
1003 writings, drawings, graphs, charts, photographs, sound recordings, images, and
1004 other data or data compilations—stored in any medium from which information
1005 can be obtained either directly or, if necessary, after translation by the responding
1006 party into a reasonably usable form; or

1007 (2) Any designated tangible things.

1008 (b) To permit entry onto designated land or other property possessed or controlled by the
1009 responding party, so that the requesting party or representative may inspect, measure,
1010 survey, photograph, record, test, or sample the property or any designated object or
1011 operation thereon.

1012 803.17-2. *Procedure.*

1013 (a) *Contents of the Request.* The request:

1014 (1) Shall describe with reasonable particularity each item or category of items to
1015 be inspected;

1016 (2) Shall specify a reasonable time, place, and manner for the inspection and for
1017 performing the related acts; and

1018 (3) May specify the form or forms in which electronically stored information is to
1019 be produced.

1020 (b) *Responses and Objections.*

1021 (1) *Time to Respond.* The party to whom the request is directed shall respond in
1022 writing within ten (10) days after being served. A shorter or longer time may be
1023 ordered by the Court.

1024 (2) *Responding to Each Item.* For each item or category, the response shall either
1025 state that inspection and related activities shall be permitted as requested or state
1026 an objection to the request, including the reasons.

1027 (3) *Objections.* An objection to part of a request shall specify the part and permit
1028 inspection of the rest.

1029 (4) *Responding to a Request for Production of Electronically Stored Information.*
1030 The response may state an objection to a requested form for producing
1031 electronically stored information. If the responding party objects to a requested
1032 form—or if no form was specified in the request—the party shall state the form or
1033 forms it intends to use.

1034 (5) *Producing the Documents or Electronically Stored Information.* Unless
1035 otherwise stipulated or ordered by the Court, these procedures apply to producing

- 1036 documents or electronically stored information:
- 1037 (A) A party shall produce documents as they are kept in the usual course
- 1038 of business or shall organize and label them to correspond to the
- 1039 categories in the request;
- 1040 (B) If a request does not specify a form for producing electronically
- 1041 stored information, a party shall produce it in a form or forms in which it
- 1042 is ordinarily maintained or in a reasonably usable form or forms; and
- 1043 (C) A party need not produce the same electronically stored information
- 1044 in more than one (1) form.

1045 803.17-3. *Nonparties*. A nonparty may be compelled to produce documents and tangible things

1046 or to permit an inspection in accordance with this section.

1047

1048 **803.18. Physical and Mental Examinations**

1049 803.18-1. *Order for an Examination*.

1050 (a) *In General*. The Court where the action is pending may order a party who's mental

1051 or physical condition—including blood group—is in controversy to submit to a physical

1052 or mental examination by a suitably licensed or certified examiner. The Court has the

1053 same authority to order a party to produce for examination a person who is in its custody

1054 or under its legal control.

1055 (b) *Motion and Notice; Contents of the Order*. The order:

1056 (1) May be made only on motion for good cause and on notice to all parties and

1057 the person to be examined; and

1058 (2) Shall, unless the Court orders otherwise, specify the time, place, manner,

1059 conditions, and scope of the examination, as well as the person or persons who

1060 shall perform it.

1061 803.18-2. *Examiner's Report*.

1062 (a) *Request by the Party or Person Examined*. The party who moved for the

1063 examination shall, on request, deliver to the requester a copy of the examiner's report,

1064 together with like reports of all earlier examinations of the same condition. The request

1065 may be made by the party against whom the examination order was issued or by the

1066 person examined.

1067 (b) *Contents*. The examiner's report shall be in writing and shall set out in detail the

1068 examiner's findings, including diagnoses, conclusions, and the results of any tests.

1069 (c) *Request by the Moving Party*. After delivering the reports, the party who moved for

1070 the examination may request—and is entitled to receive—from the party against whom

1071 the examination order was issued like reports of all earlier or later examinations of the

1072 same condition. But those reports need not be delivered by the party with custody or

1073 control of the person examined if the party shows that it could not obtain them.

1074 (d) *Waiver of Privilege*. By requesting and obtaining the examiner's report, or by

1075 deposing the examiner, the party examined waives any privilege it may have—in that

1076 action or any other action involving the same controversy—concerning testimony about

1077 all examinations of the same condition.

1078 (e) *Failure to Deliver a Report*. The Court on motion may order—on just terms—that a

1079 party deliver the report of an examination. If the report is not provided, the Court may

1080 exclude the examiner's testimony at trial.

1081 (f) *Scope*. This section applies also to an examination made by the parties' agreement,

1082 unless the agreement states otherwise. This section shall not preclude obtaining an

1083 examiner's report or deposing an examiner under other Rules.

1084 (g) *Exception.* The Court may, in its discretion, limit or amend the requirements under
1085 this section.

1086 803.18-3. *Cost of Examination.* The requesting party shall be responsible for the costs of an
1087 examination, unless the Court orders otherwise.

1088

1089 **803.19. Requests for Admission**

1090 803.19-1. *Scope and Procedure.*

1091 (a) *Scope.* A party may serve on any other party a written request to admit, for purposes
1092 of the pending action only, the truth of any matters within the scope of Rule 803.14-1
1093 relating to:

1094 (1) Facts, the application of law to fact, or opinions about either; and

1095 (2) The genuineness of any described documents.

1096 (b) *Time to Respond; Effect of Not Responding.* A matter is admitted unless, within ten
1097 (10) days after being served, the party to whom the request is directed serves on the
1098 requesting party a written answer or objection addressed to the matter and signed by the
1099 party under oath or penalty of perjury. A shorter or longer time for responding may be
1100 ordered by the Court.

1101 (c) *Answer.* If a matter is not admitted, the answer shall specifically deny it or state in
1102 detail why the answering party cannot truthfully admit or deny it. A denial shall fairly
1103 respond to the substance of the matter; and when good faith requires that a party qualify
1104 an answer or deny only a part of a matter, the answer shall specify the part admitted and
1105 qualify or deny the rest. The answering party may assert lack of knowledge or
1106 information as a reason for failing to admit or deny only if the party states that it has
1107 made reasonable inquiry and that the information it knows or can readily obtain is
1108 insufficient to enable it to admit or deny.

1109 (d) *Objections.* The grounds for objecting to a request shall be stated. A party shall not
1110 object solely on the ground that the request presents a genuine issue for trial.

1111 (e) *Motion Regarding the Sufficiency of an Answer or Objection.* The requesting party
1112 may move to determine the sufficiency of an answer or objection. Unless the Court finds
1113 an objection justified, it shall order that an answer be served. On finding that an answer
1114 does not comply with this Rule, the Court may order either that the matter is admitted or
1115 that an amended answer be served. The Court may defer its final decision until a pretrial
1116 meeting or a specified time before trial. Rule 803.20-1(e) applies to an award of
1117 expenses.

1118 803.19-2. *Effects of an Admission, Withdrawing or Amending it.* A matter admitted under this
1119 Rule shall be conclusively established unless the Court, on motion, permits the admission to be
1120 withdrawn or amended. The Court may permit withdrawal or amendment if it would promote
1121 the presentation of the merits of the action and if the Court is not persuaded that it would
1122 prejudice the requesting party in maintaining or defending the action on the merits. An
1123 admission under this Rule is not an admission for any other purpose and shall not be used against
1124 the party in any other proceeding.

1125

1126 **803.20. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions**

1127 803.20-1. *Motion for an Order Compelling Disclosure or Discovery.*

1128 (a) *In General.* On notice to other parties and all affected persons, a party may move for
1129 an order compelling disclosure or discovery. The motion shall include a certification that
1130 the movant has in good faith conferred or attempted to confer with the person or party
1131 failing to make disclosure or discovery in an effort to obtain it without Court action.

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1132 (b) *Appropriate Court.* A motion for an order to a party or nonparty shall be made in the
1133 Court where the action is pending.

1134 (c) *Specific Motions.*

1135 (1) *To Compel Disclosure.* If a party fails to make a disclosure required by Rule
1136 803.14-2 or 803.14-5, any other party may move to compel disclosure and for
1137 appropriate sanctions.

1138 (2) *To Compel a Discovery Response.* A party seeking discovery may move for
1139 an order compelling an answer, designation, production, or inspection. This
1140 motion may be made if:

1141 (A) A deponent fails to answer a question asked under Rule 803.15;

1142 (B) A party fails to answer an interrogatory submitted under Rule 803.16;
1143 or

1144 (C) A party fails to respond that inspection will be permitted—or fails to
1145 permit inspection—as requested under Rule 803.17.

1146 (3) *Related to a Deposition.* When taking an oral deposition, the party asking a
1147 question may complete or adjourn the examination before moving for an order.

1148 (d) *Evasive or Incomplete Disclosure, Answer, or Response.* For purposes of this
1149 section, an evasive or incomplete disclosure, answer, or response shall be treated as a
1150 failure to disclose, answer, or respond.

1151 (e) *Payment of Expenses; Protective Orders.*

1152 (1) *If the Motion Is Granted (or Disclosure or Discovery Is Provided After*
1153 *Filing).* If the motion is granted, or if the disclosure or requested discovery is
1154 provided after the motion was filed, the Court shall, after giving an opportunity to
1155 be heard, require the party or deponent whose conduct necessitated the motion,
1156 the party, advocate or attorney advising that conduct, or all to pay the movant's
1157 reasonable expenses incurred in making the motion, including attorney's fees.
1158 Provided that the Court shall not order this payment if:

1159 (A) The movant filed the motion before attempting in good faith to obtain
1160 the disclosure or discovery without Court action;

1161 (B) The opposing party's nondisclosure, response, or objection was
1162 substantially justified; or

1163 (C) Other circumstances make an award of expenses unjust.

1164 (2) *If the Motion Is Denied.* If the motion is denied, the Court may issue any
1165 protective order authorized under Rule 803.14-6 and shall, after giving an
1166 opportunity to be heard, require the movant, the attorney or advocate filing the
1167 motion, or both to pay the party or deponent who opposed the motion its
1168 reasonable expenses incurred in opposing the motion, including attorney's fees.
1169 But the Court shall not order this payment if the motion was substantially justified
1170 or other circumstances make an award of expenses unjust.

1171 (3) *If the Motion Is Granted in Part and Denied in Part.* If the motion is granted
1172 in part and denied in part, the Court may issue any protective order authorized
1173 under Rule 803.14-6 and may, after giving an opportunity to be heard, apportion
1174 the reasonable expenses, including attorney's fees, for the motion.

1175 803.20-2. *Failure to Comply with a Court Order.*

1176 (a) *Sanctions.* If the Court orders a deponent to be sworn or to answer a question and the
1177 deponent fails to obey, the failure may be treated as contempt of Court.

1178 (b) *Sanctions by the Court.*

1179 (1) *For Not Obeying a Discovery Order.* If a party fails to obey an order to

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1180 provide or permit discovery, the Court may issue further just orders. They may
1181 include the following:

1182 (A) Directing that the matters embraced in the order or other designated
1183 facts be taken as established for purposes of the action, as the prevailing
1184 party claims;

1185 (B) Prohibiting the disobedient party from supporting or opposing
1186 designated claims or defenses, or from introducing designated matters in
1187 evidence;

1188 (C) Striking pleadings in whole or in part;

1189 (D) Staying further proceedings until the order is obeyed;

1190 (E) Dismissing the action or proceeding in whole or in part;

1191 (F) Rendering a default judgment against the disobedient party; or

1192 (G) Treating as contempt of Court the failure to obey any order, except an
1193 order to submit to a physical or mental examination.

1194 (2) *For Not Producing a Person for Examination.* If a party fails to comply with
1195 an order under Rule 803.18-1 requiring it to produce another person for
1196 examination, the Court may issue any of the orders listed in Rule 803.20-2(b)(1),
1197 unless the disobedient party shows that it cannot produce the other person.

1198 (3) *Payment of Expenses.* Instead of or in addition to the orders above, the Court
1199 may order the disobedient party, the attorney or advocate advising that party, or
1200 all to pay the reasonable expenses, including attorney's fees, caused by the
1201 failure, unless the failure was substantially justified or other circumstances make
1202 an award of expenses unjust.

1203 803.20-3. *Failure to Disclose, to Supplement an Earlier Response, or to Admit.*

1204 (a) *Failure to Disclose or Supplement.* If a party fails to provide information or identify
1205 a witness as required by Rules 803.14-2, 803.14-5 or 803.14-7, the party shall not use that
1206 information or witness to supply evidence on a motion, at a hearing, or at a trial, unless
1207 the failure was substantially justified or is harmless. In addition to or instead of this
1208 sanction, the Court, on motion and after giving an opportunity to be heard:

1209 (1) May order payment of the reasonable expenses, including attorney's fees,
1210 caused by the failure; and

1211 (2) May impose other appropriate sanctions, including any of the orders listed in
1212 Rule 803.20-2(b)(1).

1213 (b) *Failure to Admit.* If a party fails to admit what is requested under Rule 803.19-
1214 1(a) and if the requesting party later proves a document to be genuine or the matter true,
1215 the requesting party may move that the party who failed to admit pay the reasonable
1216 expenses, including attorney's fees, incurred in making that proof. The Court shall so
1217 order unless:

1218 (1) The request was held objectionable under Rule 803.19-1;

1219 (2) The admission sought was of no substantial importance;

1220 (3) The party failing to admit had a reasonable ground to believe that it might
1221 prevail on the matter; or

1222 (4) There was other good reason for the failure to admit.

1223 803.20-4. *Party's Failure to Attend Its Own Deposition, Serve Answers to Interrogatories, or*
1224 *Respond to a Request for Production.*

1225 (a) *In General.*

1226 (1) *Motion; Grounds for Sanctions.* The Court may, on motion, order sanctions
1227 if:

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- 1228 (A) A party fails, after being served with proper notice, to appear for that
1229 person's deposition; or
1230 (B) A party, after being properly served with interrogatories or a request
1231 for production, fails to serve its answers, objections, or written response.
1232 (2) *Certification*. A motion for sanctions for failing to answer or respond shall
1233 include a certification that the movant has in good faith conferred or attempted to
1234 confer with the party failing to act in an effort to obtain the answer or response
1235 without Court action.
1236 (b) *Unacceptable Excuse for Failing to Act*. A failure described in Rule 803.20-
1237 4(a)(1)(A) is not excused on the ground that the discovery sought was objectionable,
1238 unless the party failing to act has a pending motion for a protective order under Rule
1239 803.14-6.
1240 (c) *Types of Sanctions*. Sanctions may include any of the orders listed in Rule 803.20-
1241 2(b)(1). Instead of or in addition to these sanctions, the Court shall require the party
1242 failing to act, the attorney or advocate advising that party, or both to pay the reasonable
1243 expenses, including attorney's fees, caused by the failure, unless the failure was
1244 substantially justified or other circumstances make an award of expenses unjust.
1245 803.20-5. *Failure to Provide Electronically Stored Information*. Absent exceptional
1246 circumstances, the Court may not impose sanctions under this Law on a party for failing to
1247 provide electronically stored information lost as a result of the routine, good-faith operation of an
1248 electronic information system.
1249 803.20-6. *Failure to Participate in Framing a Discovery Plan or Pretrial Statement*. If a party
1250 or its attorney or advocate fails to participate in good faith in developing and submitting a
1251 proposed discovery plan or pretrial statement as required by Rule 803.12-1, the Court may, after
1252 giving an opportunity to be heard, require that party, advocate or attorney to pay to any other
1253 party the reasonable expenses, including attorney's fees, caused by the failure.
1254

803.21. Dismissal of Action

- 1255 **803.21. Dismissal of Action**
1256 803.21-1. *Voluntary Dismissal*.
1257 (a) *By the Plaintiff*.
1258 (1) *Without a Court Order*. The plaintiff may dismiss an action without a Court
1259 order by filing:
1260 (A) A notice of dismissal before the opposing party serves either an
1261 answer or a motion for summary judgment; or
1262 (B) A stipulation of dismissal signed by all parties who have appeared.
1263 (2) *Effect*. Unless the notice or stipulation states otherwise, the dismissal is
1264 without prejudice. But if the plaintiff previously dismissed any action based on or
1265 including the same claim, a notice of dismissal operates as adjudication on the
1266 merits.
1267 (b) *By Court Order; Effect*. Except as required in Rule 803.21-1(a)(1), an action may be
1268 dismissed at the plaintiff's request only by Court order, on terms that the Court considers
1269 proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's
1270 motion to dismiss, the action may be dismissed over the defendant's objection only if the
1271 counterclaim can remain pending for independent adjudication. Unless the order states
1272 otherwise, a dismissal under this paragraph (b) is without prejudice.
1273 803.21-2. *Involuntary Dismissal; Effect*. If the plaintiff fails to prosecute or to comply with this
1274 Law or a Court order, a defendant may move to dismiss the action or any claim against it. Unless
1275 the dismissal order states otherwise, a dismissal under this subdivision 803.21-2 and any

1276 dismissal not under this Rule—except one for lack of jurisdiction, improper venue, or failure to
1277 join a party—operates as an adjudication on the merits.

1278 803.21-3. *Dismissing a Counterclaim, Crossclaim, or Third-Party Claim.* This Rule applies to a
1279 dismissal of any counterclaim, crossclaim, or third-party claim. A claimant’s voluntary
1280 dismissal under Rule 803.21-1(a)(1)(A) shall be made:

1281 (a) Before a responsive pleading is served; or

1282 (b) If there is no responsive pleading, before evidence is introduced at a hearing or trial.

1283 803.21-4. *Costs of a Previously Dismissed Action.* If a plaintiff who previously dismissed an
1284 action in any Court files an action based on or including the same claim against the same
1285 defendant, the Court:

1286 (a) May order the plaintiff to pay all or part of the costs of that previous action; and

1287 (b) May stay the proceedings until the plaintiff has complied.

1288

1289 **803.22. Consolidation; Separate Trials**

1290 803.22-1. *Consolidation.* If actions before the Court involve a common question of law or fact,
1291 the Court may:

1292 (a) Join for hearing or trial any or all matters at issue in the actions;

1293 (b) Consolidate the actions; or

1294 (c) Issue any other orders to avoid unnecessary cost or delay.

1295 803.22-2. *Separate Trials.* For convenience, to avoid prejudice, or to expedite and economize,
1296 the Court may order a separate trial of one (1) or more separate issues, claims, crossclaims,
1297 counterclaims, or third-party claims.

1298

1299 **803.23. Taking Testimony**

1300 803.23-1. *In Open Court.* At trial, the witnesses’ testimony shall be taken in open Court unless
1301 this Law or other rules adopted by the Tribe provide otherwise. For good cause in compelling
1302 circumstances and with appropriate safeguards, the Court may permit testimony in open Court by
1303 contemporaneous transmission from a different location.

1304 803.23-2. *Affirmation Instead of an Oath.* When this Law requires an oath, a solemn affirmation
1305 suffices.

1306 803.23-3. *Evidence on a Motion.* When a motion relies on facts outside the record, the Court
1307 may hear the matter on affidavits or may hear it wholly or partly on oral testimony or on
1308 depositions.

1309 803.23-4. *Interpreter.* The Court may appoint an interpreter of its choosing; fix reasonable
1310 compensation to be paid and designate the compensation as Court costs.

1311

1312 **803.24. Subpoena**

1313 803.24-1. In General.

1314 (a) *Form and Contents.*

1315 (1) *Requirements—In General.* Every subpoena shall:

1316 (A) State the Court from which it issued;

1317 (B) State the title of the action, the Court in which it is pending, and its
1318 civil-action number; and

1319 (C) Command each person to whom it is directed to do the following at a
1320 specified time and place: attend and testify; produce designated
1321 documents, electronically stored information, or tangible things in that
1322 person’s possession, custody, or control; or permit the inspection of
1323 premises.

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1324 (2) *Command to Attend a Deposition—Notice of the Recording Method.* A
1325 subpoena commanding attendance at a deposition shall state the method for
1326 recording the testimony.

1327 (3) *Combining or Separating a Command to Produce or to Permit Inspection;*
1328 *Specifying the Form for Electronically Stored Information.* A command to
1329 produce documents, electronically stored information, or tangible things or to
1330 permit the inspection of premises may be included in a subpoena commanding
1331 attendance at a deposition, hearing, or trial, or may be set out in a separate
1332 subpoena. A subpoena shall specify the form or forms in which electronically
1333 stored information is to be produced.

1334 (4) *Command to Produce; Included Obligations.* A command in a subpoena to
1335 produce documents, electronically stored information, or tangible things requires
1336 the responding party to permit inspection, copying, testing, or sampling of the
1337 materials.

1338 (b) *Issued.* A subpoena shall be issued for the following:

1339 (1) Attendance at a hearing or trial;

1340 (2) Attendance at a deposition; and

1341 (3) Production or inspection, if separate from a subpoena commanding a person's
1342 attendance.

1343 (c) *Issued by Whom.* The clerk shall issue a subpoena, signed but otherwise in blank, to
1344 a party who requests it. That party shall complete it before service. An attorney also
1345 may issue and sign a subpoena as an officer of the Court in which the attorney is
1346 authorized to practice.

1347 803.24-2. *Service.*

1348 (a) *By Whom; Tendering Fees; Serving a Copy of Certain Subpoenas.* Any person who
1349 is at least eighteen (18) years old and not a party may serve a subpoena. Serving a
1350 subpoena requires delivering a copy to the named person. If the subpoena commands the
1351 production of documents, electronically stored information, or tangible things or the
1352 inspection of premises before trial, then before it is served, a notice shall be served on
1353 each party.

1354 (b) *Proof of Service.* Proving service, when necessary, requires filing with the Court a
1355 statement showing the date and manner of service and the names of the persons served.
1356 The statement shall be certified by the server.

1357 (c) *Subpoena Fees.* The party issuing the subpoena shall be responsible for tendering, if
1358 applicable, the fees for one (1) day's attendance and mileage. Payment shall be paid at
1359 the time of delivery of the subpoena in the amount as set by Court Rule.

1360 (d) *Place of Service.* A subpoena may be served at any place:

1361 (1) Within the reservation;

1362 (2) Outside the reservation but within one hundred (100) miles of the place
1363 specified for the deposition, hearing, trial, production or inspection; or

1364 (3) That the Court authorizes on motion and for good cause.

1365 803.24-3. *Protecting a Person Subject to a Subpoena.*

1366 (a) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for
1367 issuing and serving a subpoena shall take reasonable steps to avoid imposing undue
1368 burden or expense on a person subject to the subpoena. The Court shall impose an
1369 appropriate sanction—including, but not limited to, lost earnings and reasonable
1370 attorney's fees—on a party or attorney who fails to comply.

1371 (b) *Command to Produce Materials or Permit Inspection.*

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1372 (1) *Appearance Not Required.* A person commanded to produce documents,
1373 electronically stored information, or tangible things, or to permit the inspection of
1374 premises, need not appear in person at the place of production or inspection unless
1375 also commanded to appear for a deposition, hearing, or trial.

1376 (2) *Objections.* A person commanded to produce documents or tangible things or
1377 to permit inspection may serve on the party, advocate or attorney designated in
1378 the subpoena a written objection to inspecting, copying, testing or sampling any
1379 or all of the materials or to inspecting the premises—or to producing
1380 electronically stored information in the form or forms requested. The objection
1381 shall be served before the earlier of the time specified for compliance or fourteen
1382 (14) days after the subpoena is served. If an objection is made, the following
1383 Rules apply:

1384 (A) At any time, on notice to the commanded person, the serving party
1385 may move the Court for an order compelling production or inspection.

1386 (B) These acts may be required only as directed in the order, and the order
1387 shall protect a person who is not a party from significant expense resulting
1388 from compliance.

1389 (c) *Quashing or Modifying a Subpoena.*

1390 (1) *When Required.* On motion, the Court shall quash or modify a subpoena that:

1391 (A) Fails to allow a reasonable time to comply;

1392 (B) requires a person who is not a party to travel more than one hundred
1393 (100) miles from where that person resides, is employed, or regularly
1394 transacts business in person—except that, subject to Rule 803.24-
1395 3(c)(2)(C), the person may be commanded to attend a trial by traveling
1396 from any such place within the state of Wisconsin;

1397 (C) Requires disclosure of privileged or other protected matter, if no
1398 exception or waiver applies; or

1399 (D) Subjects a person to undue burden.

1400 (2) *When Permitted.* To protect a person subject to or affected by a subpoena, the
1401 Court may, on motion, quash or modify the subpoena if it requires:

1402 (A) Disclosing a trade secret or other confidential research, development,
1403 or commercial information;

1404 (B) Disclosing an unretained expert's opinion or information that does not
1405 describe specific occurrences in dispute and results from the expert's study
1406 that was not requested by a party; or

1407 (C) A person who is not a party to incur substantial expense to travel
1408 more than one hundred (100) miles to attend trial.

1409 (3) *Specifying Conditions as an Alternative.* In the circumstances described
1410 in Rule 803.24-3(c)(2), the Court may, instead of quashing or modifying a
1411 subpoena, order appearance, inspection or production under specified conditions
1412 if the serving party:

1413 (A) Shows a substantial need for the testimony or material that cannot be
1414 otherwise met without undue hardship; and

1415 (B) Ensures that the subpoenaed person will be reasonably compensated.

1416 803.24-4. *Duties in Responding to a Subpoena.*

1417 (a) *Producing Documents or Electronically Stored Information.* These procedures apply
1418 to producing documents or electronically stored information:

1419 (1) *Documents.* A person responding to a subpoena to produce documents shall

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1420 produce them as they are kept in the ordinary course of business or shall organize
1421 and label them to correspond to the categories in the subpoena.

1422 (2) *Form for Producing Electronically Stored Information Not Specified.* If a
1423 subpoena does not specify a form for producing electronically stored information,
1424 the person responding shall produce it in a form or forms in which it is ordinarily
1425 maintained or in a reasonably usable form or forms.

1426 (3) *Electronically Stored Information Produced in Only One (1) Form.* The
1427 person responding need not produce the same electronically stored information in
1428 more than one (1) form.

1429 (4) *Inaccessible Electronically Stored Information.* The person responding need
1430 not provide discovery of electronically stored information from sources that the
1431 person identifies as not reasonably accessible because of undue burden or cost.
1432 On motion to compel discovery or for a protective order, the person responding
1433 shall show that the information is not reasonably accessible because of undue
1434 burden or cost. If that showing is made, the Court may nonetheless order
1435 discovery from such sources if the requesting party shows good cause. The Court
1436 may specify conditions for the discovery.

1437 (b) *Claiming Privilege or Protection.*

1438 (1) *Information Withheld.* A person withholding subpoenaed information under a
1439 claim that it is privileged or subject to protection as trial-preparation material
1440 shall:

1441 (A) Expressly make the claim; and

1442 (B) Describe the nature of the withheld documents, communications, or
1443 tangible things in a manner that, without revealing information itself
1444 privileged or protected, will enable the parties to assess the claim.

1445 (c) *Information Produced.* If information produced in response to a subpoena is subject
1446 to a claim of privilege or of protection as trial-preparation material, the person making
1447 the claim may notify any party that received the information of the claim and the basis for
1448 it. After being notified, a party, advocate or attorney shall promptly return, sequester, or
1449 destroy the specified information and any copies it has; shall not use or disclose the
1450 information until the claim is resolved; shall take reasonable steps to retrieve the
1451 information if the party disclosed it before being notified; and may promptly present the
1452 information to the Court under seal for a determination of the claim. The person who
1453 produced the information shall preserve the information until the claim is resolved.

1454 803.24-5. *Contempt.* The issuing Court may hold in contempt a person who, having been
1455 served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey shall
1456 be excused if the subpoena purports to require the nonparty to attend or produce at a place
1457 outside the limits of Rule 803.24-3(c)(1)(B).

1458

1459 **803.25. Recesses; Personal Conduct**

1460 803.25-1. *Recesses.* The Court may order postponements or recesses in its discretion at any
1461 time during the hearing for any reason. Specifically, when objections are made with respect to
1462 questions asked or evidence presented, or other motions are made during a hearing, the Court
1463 may order a short recess in order to deliberate on any motions or objections raised by a party.

1464 (a) The recess shall continue until a decision is reached, which may be to reserve a ruling
1465 for later, at which time the hearing shall reconvene and the decision concerning the
1466 objection shall be entered into the record.

1467 (b) A party may enter into the record an objection to the decision reached by the Court in

1468 order to preserve the issue on appeal, though such an objection is not required for such
1469 preservation.

1470 803.25-2. *Personal Conduct.* Parties, including parties' attorney or advocate, shall present and
1471 conduct themselves in a professional manner while before the Court. Parties shall be prepared to
1472 present their case, to include evidence, arguments and witnesses at the time of the hearing.
1473 Disorderly conduct, insulting or demeaning behavior, or interrupting a speaking judge, party, or
1474 party's attorney or advocate may be grounds for contempt and/or other penalties.

1475

1476 **803.26. Contempt**

1477 803.26-1. *Grounds.* In addition to other grounds for contempt identified in this Law or other
1478 Tribal law, the following acts or failures to act may serve as the basis for finding an individual or
1479 other entity in contempt:

1480 (a) Failure to obey a subpoena;

1481 (b) Refusal to testify or appear when so ordered;

1482 (c) Refusal to obey any order or judgment of the Court;

1483 (d) Disorderly, demeaning, or insulting behavior toward a Judge while conducting a
1484 hearing which tends to interrupt the course of the proceedings or undermine the dignity of
1485 the Court;

1486 (e) A breach of the peace or loud or boisterous conduct which tends to interrupt the
1487 course of a judicial proceeding;

1488 (f) Deceit or abuse of process or proceedings of the Court by a party, advocate or
1489 attorney to a judicial proceeding;

1490 (g) Any other interference with the process, proceedings, or dignity of the Court or a
1491 Judge while in the performance of official duties.

1492 803.26-2. *Relief.* Individuals or other entities found to be in contempt shall be subject to a fine
1493 in an amount not to exceed one thousand dollars (\$1,000) per act of contempt, and not to exceed
1494 five thousand dollars (\$5,000) per instance of continuing contempt payable to the Judiciary or to
1495 the complaining party. When that individual or other entity either pays the money or does
1496 whatever the Court orders that person to do, the contempt order shall be purged.

1497 803.26-3. *Procedure.*

1498 (a) Direct contempt is one committed in the presence of the Court or so near in presence
1499 as to be disruptive of the judicial proceedings, and such may be adjudged and punished
1500 summarily. All others are indirect contempt.

1501 (b) Indirect contempt may be determined after a hearing in which the person accused of
1502 contempt is given notice and an opportunity to be heard.

1503 (1) The Court may, after testimony is given concerning the reasons for any
1504 contemptuous act, allow the person accused one (1) opportunity to comply or be
1505 held in contempt.

1506 (c) The Court may, in its discretion or on motion by a party, resolve issues of indirect
1507 contempt through receipt and deliberation of briefs rather than a hearing.

1508

1509 **803.27. Findings and Conclusions by the Court; Judgment on Partial Findings; Offer of**
1510 **Judgment**

1511 803.27-1. *Findings and Conclusions.*

1512 (a) *In General.* The Court shall state the findings of facts and its conclusions of law
1513 separately. The findings and conclusions may be stated on the record after the close of
1514 the evidence or may appear in an opinion or a memorandum of decision filed by the
1515 Court.

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1516 (b) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction,
1517 the Court shall similarly state the findings and conclusions that support its action.

1518 (c) *For a Motion.* The Court is not required to state findings or conclusions when ruling
1519 on a motion unless this Law provide otherwise.

1520 (d) *Questioning the Evidentiary Support.* A party may later question the sufficiency of
1521 the evidence supporting the findings, whether or not the party requested findings,
1522 objected to them, moved to amend them, or moved for partial findings.

1523 803.27-2. *Amended or Additional Findings.* On a party's motion filed no later than twenty-eight
1524 (28) days after the entry of judgment, the Court may amend its findings or make additional
1525 findings and may amend the judgment accordingly. The motion may accompany a motion for a
1526 new trial.

1527 803.27-3. *Judgment on Partial Findings.* If a party has been fully heard on an issue and the
1528 Court finds against the party on that issue, the Court may enter judgment against the party on a
1529 claim or defense that, under the controlling law, can be maintained or defeated only with a
1530 favorable finding on that issue. The Court may, however, decline to render any judgment until
1531 the close of the evidence. A judgment on partial findings shall be supported by findings of fact
1532 and conclusions of law as required by Rule 803.27-1(a).

1533 803.27-4. *Offer of Judgment.*

1534 (a) *Making an Offer; Judgment on an Accepted Offer.* At any time before or during trial,
1535 a party may serve on an opposing party an offer to allow judgment on specified terms,
1536 with the costs then accrued. If the opposing party serves written notice accepting the
1537 offer, either party may then file the offer and notice of acceptance, plus proof of
1538 service. The Court shall then enter judgment.

1539 (b) *Unaccepted Offer.* An unaccepted offer shall be considered withdrawn, but it shall
1540 not preclude a later offer. Evidence of an unaccepted offer shall not be admissible
1541 except in a proceeding to determine costs.

1542

1543 **803.28. Judgment; Costs**

1544 803.28-1. *Generally.* A decision includes any final order or judgment that may be appealed to
1545 the Court of Appeals. No special form of judgment is required. A judgment shall not include
1546 recitals of pleadings or a record of prior proceedings, unless the Court deems that information
1547 necessary.

1548 803.28-2. *Types of Relief.*

1549 (a) Every final decision of the Court shall grant relief based in law and equity to the
1550 party in whose favor the decision is rendered. Relief granted need not be identical to the
1551 relief demanded in the pleadings or at a hearing.

1552 (b) *Judgment on Multiple Claims or Involving Multiple Parties.* When an action
1553 presents more than one (1) claim for relief—whether as a claim, counterclaim,
1554 crossclaim, or third-party claim—or when multiple parties are involved, the Court may
1555 direct entry of a final judgment as to one (1) or more, but fewer than all, claims or parties
1556 only if the Court expressly determines that there is no just reason for delay. Otherwise,
1557 any order or other decision, however designated, that adjudicates fewer than all the
1558 claims or the rights and liabilities of fewer than all the parties shall not end the action as
1559 to any of the claims or parties and may be revised at any time before the entry of a
1560 judgment adjudicating all the claims and all the parties' rights and liabilities.

1561 803.28-3. *Form of Decision.* The Court may issue decisions in the form of fines, orders,
1562 penalties, or others the Court deems appropriate, which may include, but not limited to:

1563 (a) Awarding monetary damages, including punitive damages, to be paid by the party

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- 1564 found to be in violation of any Tribal law, to the injured party;
 1565 (b) Directing the surrender of certain property to the injured party which the injured
 1566 party is found to be legally entitled;
 1567 (c) Directing the performance of some act or the ceasing and desisting from performance
 1568 of some act for the benefit of the injured party;
 1569 (d) Directing a party in violation of Tribal laws to cease and desist from further
 1570 violations and cure said violations within a specified period of time;
 1571 (e) Directing the payment of specific monetary fines for violations of Tribal laws, Court
 1572 orders or agreements made during mediation or peacemaking;
 1573 (f) Directing mandated community service and/or denial of specific Tribal benefits;

1574 803.28-4. *Costs.*

- 1575 (a) The Court may, in its discretion, require the non-prevailing party to pay some or all
 1576 of the reasonable costs of the prevailing party.
 1577 (b) *Attorney's Fees.* The Court shall not award attorney's fees unless:
 1578 (1) The fees have been specifically provided for by Tribal law, contract or
 1579 agreement between the parties in dispute;
 1580 (2) It has been clearly and convincingly shown that the case is frivolous or has
 1581 been prosecuted in bad faith for purposes of harassment only; or
 1582 (3) It has been shown that there was no reasonable expectation of success on the
 1583 part of the claiming party.
 1584 (c) If the Court finds by clear and convincing evidence that the matter before the Court
 1585 was frivolous or has been prosecuted in bad faith, the Court may assess against the
 1586 plaintiff, some or all of the Court's and/or defendant's costs in the matter.
 1587 (d) Court costs shall be based on actual cost or set by Court Rule.

1588 803.28-5. *Punitive Damages.* A party may recover punitive damages against another party
 1589 unless the other party is the Tribe, or an officer or agency of the Tribe. The Court shall only
 1590 order punitive damages when a party's willful or reckless conduct is exceptionally egregious or
 1591 malicious and the order will deter that party and others from committing the same or similar acts
 1592 in the future. Punitive damages shall not exceed an amount greater than four (4) times the
 1593 amount of any other monetary damages ordered. In cases involving non-economic harm where
 1594 punitive damages are ordered, the Court shall determine punitive damages by considering:

- 1595 (a) The nature of the wrongdoer's behavior;
 1596 (b) The extent of the prevailing party's loss or injury;
 1597 (c) The degree to which the wrongdoer's conduct is offensive to a societal sense of justice
 1598 and decency; and
 1599 (d) The financial worth of the wrongdoer.

1600

1601 **803.29. Default; Default Judgment**

1602 803.29-1. *Appearance Required.* Parties to a case are required to appear before the Court at any
 1603 scheduled hearing or proceeding.

- 1604 (a) A party may be excused from appearing with the permission of the Court if the party
 1605 makes a motion seeking permission prior to the hearing or proceeding and shows good
 1606 cause as to why the party's appearance is not necessary.
 1607 (b) The Court may allow a proceeding to continue without a party's appearance so long
 1608 as a representative of the party appears, or may postpone the hearing until the party will
 1609 attend, or may find the party not in attendance in contempt for failing to appear.
 1610 (c) The Court may allow a party to appear by telephone. Requests to appear by telephone
 1611 shall be in writing and submitted at least seven (7) days before a hearing or proceeding.

1612 803.29-2. *Defendant*. When a party against whom a judgment for relief is sought has failed to
1613 appear, plead or otherwise defend as required in this Law or elsewhere, a default judgment may
1614 be granted by the Court upon the receipt of whatever evidence is deemed necessary to establish
1615 the claim.

1616 803.29-3. *Plaintiff*. When a party who has filed a claim fails to appear, plead, or prosecute said
1617 claim as provided in this Law or elsewhere, a dismissal may be granted by the Court, on its own
1618 or on a party's motion, dismissing the claim. For purposes of this section, dismissal shall be
1619 treated as default.

1620 803.29-4. *Entering a Default Judgment*. The Court may conduct hearings or make referrals
1621 when, to enter or effectuate judgment, it needs to:

- 1622 (a) Conduct an accounting;
- 1623 (b) Determine the amount of damages;
- 1624 (c) Establish the truth of any allegation by evidence; or
- 1625 (d) Investigate any other matter.

1626 803.29-5. *Demand for Judgment*. The Court may assign any costs incurred by the non-defaulting
1627 party and any hearing costs incurred by the Court, to the defaulting party.

1628 803.29-6. *Setting Aside a Default or a Default Judgment*. The Court may set aside an entry of
1629 default for good cause, and it may set aside a default judgment under Rule 803.33-2 within one
1630 (1) year of entry of default or default judgment.

1631

1632 **803.30. Summary Judgment**

1633 803.30-1. *Motion for Summary Judgment or Partial Summary Judgment*. A party may move for
1634 summary judgment, identifying each claim or defense—or the part of each claim or defense—on
1635 which summary judgment is sought. The Court shall grant summary judgment if the movant
1636 shows that there is no genuine dispute as to any material fact and the movant is entitled to
1637 judgment as a matter of law. The Court shall state on the record the reasons for granting or
1638 denying the motion.

1639 803.30-2. *Time to File a Motion*. Unless a different time is set by the Court, a party may file a
1640 motion for summary judgment at any time after commencement of an action, but at least fifteen
1641 (15) days prior to the scheduled trial.

1642 803.30-3. *Procedures*.

1643 (a) *Supporting Factual Positions*. A party asserting that a fact cannot be or is genuinely
1644 disputed shall support the assertion by:

1645 (1) Citing to particular parts of materials in the record, including depositions,
1646 documents, electronically stored information, affidavits, stipulations (including
1647 those made for purposes of the motion only), admissions, interrogatory answers,
1648 or other materials; or

1649 (2) Showing that the materials cited do not establish the absence or presence of a
1650 genuine dispute, or that an adverse party cannot produce admissible evidence to
1651 support the fact.

1652 (b) *Objection That a Fact Is Not Supported by Admissible Evidence*. A party may object
1653 that the material cited to support or dispute a fact cannot be presented in a form that
1654 would be admissible in evidence.

1655 (c) *Materials Not Cited*. The Court need consider only the cited materials, but it may
1656 consider other materials in the record.

1657 (d) *Affidavits*. An affidavit used to support or oppose a motion shall be made on
1658 personal knowledge, set out facts that would be admissible in evidence, and show that the
1659 affiant is competent to testify on the matters stated.

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1660 803.30-4. *When Facts Are Unavailable to the Nonmovant.* If a nonmovant shows by affidavit
1661 that, for specified reasons, it cannot present facts essential to justify its opposition, the Court
1662 may:

- 1663 (a) Defer considering the motion or deny it;
- 1664 (b) Allow time to obtain affidavits or to take discovery; or
- 1665 (c) Issue any other appropriate order.

1666 803.30-5. *Failing to Properly Support or Address a Fact.* If a party fails to properly support an
1667 assertion of fact or fails to properly address another party’s assertion of fact as required
1668 by Rule 803.30-3, the Court may:

- 1669 (a) Give an opportunity to properly support or address the fact;
- 1670 (b) Consider the fact undisputed for purposes of the motion;
- 1671 (c) grant summary judgment if the motion and supporting materials—including the facts
1672 considered undisputed—show that the movant is entitled to it; or
- 1673 (d) Issue any other appropriate order.

1674 803.30-6. *Judgment Independent of the Motion.* After giving notice and a reasonable time to
1675 respond, the Court may:

- 1676 (a) Grant summary judgment for a nonmovant;
- 1677 (b) Grant the motion on grounds not raised by a party; or
- 1678 (c) Consider summary judgment on its own after identifying for the parties material facts
1679 that may not be genuinely in dispute.

1680 803.30-7. *Failing to Grant All the Requested Relief.* If the Court does not grant all the relief
1681 requested by the motion, it may enter an order stating any material fact—including an item of
1682 damages or other relief—that is not genuinely in dispute and treating the fact as established in
1683 the case.

1684 803.30-8. *Affidavit Submitted in Bad Faith.* If satisfied that an affidavit under this Rule is
1685 submitted in bad faith or solely for delay, the Court—after notice and a reasonable time to
1686 respond—may order the submitting party to pay the other party the reasonable expenses,
1687 including attorney’s fees, incurred as a result. An offending party, advocate or attorney may also
1688 be held in contempt or subjected to other appropriate sanctions.

1689

1690 **803.31. Entering Judgment; Enforcement**

1691 803.31-1. *Entering Judgment.*

1692 (a) *Signature.* All decisions shall be signed by the Judge assigned to the case and
1693 filed with the clerk.

1694 (b) *Filing and Notation.* A decision shall be complete and entered for all purposes when
1695 it is signed and filed with the clerk for publication, unless the case is nonpublic and/or not
1696 subject to publication in which case it is deemed complete and entered upon being signed
1697 by the Judge. The clerk shall make a notation of the decision in a case log or index of
1698 cases and decisions. If publication occurs more than seven (7) days after entry of the
1699 decision, this shall be noted and the date of publication shall be the official date of entry.

1700 (c) *Death of a Party.* If a party dies after a decision is rendered upon any issue or
1701 fact, but before entry of the judgment, judgment may still be entered.

1702 (d) *Satisfaction of Decision.* The clerk shall file all satisfactions of decisions and note
1703 whether whole or partial and the amount thereof in any existing case log or index of cases
1704 and decisions. A decision may be satisfied, in whole or part, as to any or all of the non-
1705 prevailing parties, when:

- 1706 (1) The party awarded the decision files an acknowledgment of satisfaction
1707 specifying the amount paid and whether such is a full or partial satisfaction; or

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1708 (2) The Trial Court may order the entry of satisfaction upon the proof of payment
1709 by the debtor and failure of the decision creditor to file a satisfaction;

1710 (e) *Effect of Satisfaction.* A decision satisfied in whole shall be entered in the index of
1711 decisions as such.

1712 (1) A partially satisfied decision or unsatisfied decision shall continue in effect
1713 for four (4) years or until satisfied, whichever occurs sooner.

1714 (2) An action to renew the decision remaining unsatisfied may be maintained any
1715 time prior to the expiration of four (4) years and shall extend the period of an
1716 additional four (4) years and may be thereafter further extended by the same
1717 procedure.

1718 (f) *Written Decisions.* All decisions, opinions, and orders rendered, unless specified
1719 otherwise in this Law, shall be in writing and include the findings of fact and conclusions
1720 of law.

1721 (1) Upon completion of the hearing or trial, the Court shall complete a written
1722 decision within thirty (30) days.

1723 (A) The Court may, upon written notice to all parties, extend this time
1724 period to not more than an additional thirty (30) days from the original due
1725 date.

1726 803.31-2. *Enforcement.*

1727 (a) *Time.* The non-prevailing party shall have sixty (60) days from entry of the judgment
1728 to comply with the order of the Court and/or complete payment of any monetary award or
1729 to make arrangements with the prevailing party for payment or installment payments. If
1730 the non-prevailing party does not comply and/or satisfy the judgment within sixty (60)
1731 days, does not make arrangements to satisfy judgment within sixty (60) days, or fails to
1732 make installment payments to satisfy judgment for more than sixty (60) days, then the
1733 prevailing party may make a motion to the Court for the enforcement of the decision.

1734 (b) *Means of Enforcement.* The Court shall conduct a hearing on the issue of
1735 enforcement of a judgment. The Court may:

1736 (1) Order the garnishment of any non-prevailing party's wages, including but not
1737 limited to per capita payments by the Tribe, the amount to be determined by the
1738 Court and to be paid to the prevailing party;

1739 (2) Fine the non-prevailing party if the non-prevailing party is found to be in
1740 contempt of the judgment. Fines shall be paid to the prevailing party; or

1741 (3) Issue any other order or decision for the purposes of satisfying the judgment
1742 which the Court deems just.

1743 (4) If it is determined at this hearing that any of the above options for the
1744 enforcement are unavailable or unduly difficult or inequitable, the Court may
1745 order the execution and sale of such property of the non-prevailing party's to
1746 satisfy the judgment.

1747 (c) *Seizure of Property.* The non-prevailing party shall be ordered to appear before the
1748 Court and answer under oath regarding the reasons for failure to satisfy the judgment. If
1749 good cause is not shown for the failure to satisfy the judgment, the Court may:

1750 (1) Determine, under Wisconsin law, what property of the non-prevailing party is
1751 available for execution;

1752 (2) Issue an order for the seizure of as much of such property as reasonably
1753 necessary to pay the judgment amount and costs of seizing and auctioning
1754 such property;

1755 (A) The order for seizure shall be issued to and enforced by the Oneida

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- 1756 Police Department (OPD);
 1757 (B) The non-prevailing party shall have, starting on the day after
 1758 seizure of property, ten (10) days to satisfy the judgment and
 1759 redeem the property seized from the OPD. If redemption is not
 1760 made, the OPD shall proceed with the sale of seized property.
 1761 (C) Sale of seized property shall be at public auction conducted by the
 1762 OPD. The person conducting the auction:
 1763 (i) Shall place public notice in at least three (3) prominent
 1764 places within the Oneida Reservation and publication in the
 1765 Tribal newspaper, at least ten (10) days prior to the auction.
 1766 (ii) Shall sell the property to the highest bidder who shall
 1767 make payment for the property at the time of sale.
 1768 (iii) Shall issue a certificate of sale to the purchaser and shall
 1769 make a report and return to the Court reciting the details of
 1770 the sale.
 1771 (iv) May postpone and reschedule the auction, providing
 1772 notice of the new date as per sub part (i) above, if there is
 1773 deemed to be inadequate response to the auction or bidding.
 1774 (D) The sale shall not be deemed full satisfaction of the judgment
 1775 unless such sale actually fully satisfies the judgment. Any excess
 1776 proceeds from the sale shall be issued to the non-prevailing party.
 1777 (d) *Exemption from Enforcement.* The Court shall only order seizure and sale of such
 1778 property of the non-prevailing party to satisfy a money judgment, the loss of which shall
 1779 not impose an immediate and substantial hardship on the non-prevailing party or the non-
 1780 prevailing party's immediate family.
 1781

803.32. Record of Proceedings

- 1782 803.32-1. *Generally.* All proceedings shall be recorded by audio, video or other means such that
 1783 an accurate transcript may be produced when needed or requested. The record of the civil action
 1784 shall include the following:
 1785 (a) All pleadings, motions, orders, and intermediate rulings;
 1786 (b) All evidence received or considered;
 1787 (c) All statements of matters officially noticed;
 1788 (d) All questions and offers of proof, objections and rulings thereon;
 1789 (e) All proposed findings and exceptions;
 1790 (f) All decisions, opinions or reports of the Court; and
 1791 (g) A complete record of the hearing itself, in the form of written transcript, video or
 1792 audio recordings.
 1793
 1794 803.32-2. *Open Record.* The records of all hearings and matters shall be available except where
 1795 they are prohibited from disclosure by this Law, any other Tribal law or Court order or rule.
 1796 (a) The Court shall be construed as a Court of record for purposes of full faith and credit.
 1797 (b) Any person may request to view the record of any case and may receive copies of the
 1798 record at that person's expense.
 1799 (1) Records of cases involving juveniles shall remain confidential and shall only
 1800 be viewed by the parties or the legal guardian of a party who is a minor and their
 1801 attorney or advocate, Judges and staff assigned to the case, and those other
 1802 persons who first obtain a written release from a party to view material contained
 1803 in the record.

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1804 (2) Copies of final decisions and case file material shall be available for any
1805 person’s review at that person’s expense after the time line for filing a notice of
1806 appeal or motion for reconsideration has passed and no such filing has occurred.
1807 This shall ensure that the case is concluded and open for public record.

1808 (3) At the request of any party or on its own motion, the Court may seal any part
1809 of a case file, preventing public disclosure. A file or part of a file may only be
1810 sealed where the safety of a party, witness or other individual may be in jeopardy
1811 if the material is not placed under seal.

1812 (c) Deliberations of the Court are confidential, not part of the record and are not subject
1813 to reproduction.
1814

1815 **803.33. Relief from a Judgment or Order; Harmless Error**

1816 803.33-1. *Corrections Based on Clerical Mistakes; Oversights and Omissions.* The Court may
1817 correct a clerical mistake or a mistake arising from oversight or omission whenever one is found
1818 in a judgment, order, or other part of the record. The Court may do so on motion or on its own,
1819 with or without notice. But after an appeal has been docketed in the Court of Appeals and while
1820 it is pending, such a mistake may be corrected only with the Court of Appeals’ leave.

1821 803.33-2. *Grounds for Relief from a Final Judgment, Order, or Proceeding.* On motion and just
1822 terms, the Court may relieve a party or its legal representative from a final judgment, order, or
1823 proceeding for the following reasons:

1824 (a) Mistake, inadvertence, surprise, or excusable neglect;

1825 (b) Newly discovered evidence that, with reasonable diligence, could not have been
1826 discovered;

1827 (c) Fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
1828 misconduct by an opposing party;

1829 (d) The judgment is void;

1830 (e) The judgment has been satisfied, released, or discharged; it is based on an earlier
1831 judgment that has been reversed or vacated; or applying it prospectively is no longer
1832 equitable; or

1833 (f) Any other reason that justifies relief.

1834 803.33-3. *Timing and Effect of the Motion.*

1835 (a) *Timing.* A motion under Rule 803.33-2 shall be made within a reasonable time—and
1836 for reasons (a), (b), and (c) no more than one (1) year after the entry of the judgment or
1837 order or the date of the proceeding.

1838 (b) *Effect on Finality.* The motion shall not affect the judgment’s finality or suspend its
1839 operation.

1840 803.33-4. *Other Powers to Grant Relief.* This Rule shall not limit the Court’s power to:

1841 (a) Entertain an independent action to relieve a party from a judgment, order, or
1842 proceeding;

1843 (b) Grant relief to a defendant who was not personally notified of the action; or

1844 (c) Set aside a judgment for fraud on the Court.

1845 803.33-5. *Harmless Error.* Unless justice requires otherwise, no error in admitting or excluding
1846 evidence—or any other error by the Court or a party—is grounds for granting a new trial, for
1847 setting aside a verdict, or for vacating, modifying, or otherwise disturbing a judgment or order.
1848

1849 **803.34. Stay of Proceedings to Enforce a Judgment**

1850 803.34-1. *Automatic Stay; Exceptions for Injunctions.* Except as stated in this Rule, no execution
1851 may issue on a judgment, nor may proceedings be taken to enforce it, until fourteen (14) days

1852 have passed after its entry. But unless the Court orders otherwise, interlocutory or final
1853 judgments in an action for an injunction are not stayed after being entered, even if an appeal is
1854 taken.

1855 803.34-2. *Stay Pending the Disposition of a Motion.* On appropriate terms for the opposing
1856 party's security, the Court may stay the execution of a judgment—or any proceedings to enforce
1857 it—pending disposition of any of the following motions:

- 1858 (a) For judgment as a matter of law;
- 1859 (b) To amend the findings or for additional findings;
- 1860 (c) For a new trial or to alter or amend a judgment; or
- 1861 (d) For relief from a judgment or order.

1862 803.34-3. *Injunction Pending an Appeal.* While an appeal is pending from an interlocutory
1863 order or final judgment that grants, dissolves, or denies an injunction, the Court may suspend,
1864 modify, restore, or grant an injunction on terms that secure the opposing party's rights.

1865 803.34-4. *Court of Appeals' Power Not Limited.* This Rule shall not limit the power of the
1866 Court of Appeals or one (1) of its Judges:

- 1867 (a) To stay proceedings—or suspend, modify, restore, or grant an injunction—while an
1868 appeal is pending; or
- 1869 (b) To issue an order to preserve the status quo or the effectiveness of the judgment to be
1870 entered.

1871 803.34-5. *Stay with Multiple Claims or Parties.* The Court may stay the enforcement of a final
1872 judgment under Rule 803.28-2(b) until it enters a later judgment or judgments, and may
1873 prescribe terms necessary to secure the benefit of the stayed judgment for the party in whose
1874 favor it was entered.

1875 803.34-6. *Stay in Favor of the Tribe, or Agency Thereof.* When an appeal is taken by the Tribe,
1876 or an officer or agency of the Tribe, and the execution or enforcement of the judgment is stayed;
1877 no bond, obligation, or other security shall be required.

1878

1879 **803.35 Injunctions and Restraining Orders**

1880 803.35-1 *Preliminary Injunction.*

1881 (a) *Notice.* The Court may issue a preliminary injunction only on notice to the adverse
1882 party.

1883 (b) *Consolidating the Hearing with the Trial on the Merits.* Before or after beginning
1884 the hearing on a motion for a preliminary injunction, the Court may advance the trial on
1885 the merits and consolidate it with the hearing. Even when consolidation is not ordered,
1886 evidence that is received on the motion and that would be admissible at trial becomes part
1887 of the trial record and need not be repeated at trial.

1888 (c) *Expediting the Preliminary-Injunction Hearing.* If the order is issued without notice,
1889 the motion for a preliminary injunction shall be set for hearing at the earliest possible
1890 time, taking precedence over all other matters except hearings on older matters of the
1891 same character. At the hearing, the party who obtained the order shall proceed with the
1892 motion; if the party does not, the Court shall dissolve the order.

1893 803.35-2. *Temporary Restraining Order.*

1894 (a) *Issuing Without Notice.* The Court may issue a temporary restraining order without
1895 written or oral notice to the adverse party or its attorney or advocate only if:

- 1896 (1) Specific facts in an affidavit or a verified complaint clearly show that
1897 immediate and irreparable injury, loss, or damage will result to the movant before
1898 the adverse party can be heard in opposition; and
- 1899 (2) The movant's attorney or advocate certifies in writing any efforts made to

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1900 give notice and the reasons why it should not be required to give notice.
1901 (b) *Contents; Expiration.* Every temporary restraining order issued without notice shall
1902 state the date and hour it was issued; describe the injury and state why it is irreparable;
1903 state why the order was issued without notice; and be promptly filed in the clerk’s office
1904 and entered in the record. The order expires at the time after entry—not to exceed
1905 fourteen (14) days—that the Court sets, unless before that time the Court, for good cause,
1906 extends it for a like period or the adverse party consents to a longer extension. The
1907 reasons for an extension shall be entered in the record.

1908 (d) *Motion to Dissolve.* On two (2) days’ notice to the party who obtained the order
1909 without notice—or on shorter notice set by the Court—the adverse party may appear and
1910 move to dissolve or modify the order. The Court shall then hear and decide the motion as
1911 promptly as justice requires.

1912 803.35-3. *Security.* The Court may issue a preliminary injunction or a temporary restraining
1913 order only if the movant gives security, unless the movant is the Tribe, or an officer or agency of
1914 the Tribe. Security shall be in an amount that the Court considers proper to pay the costs and
1915 damages sustained by any party found to have been wrongfully enjoined or restrained.

1916 803.35-4. *Contents and Scope of Every Injunction and Restraining Order.*

1917 (a) *Contents.* Every order granting an injunction and every restraining order shall:

1918 (1) State the reasons why it issued;

1919 (2) State its terms specifically; and

1920 (3) describe in reasonable detail—and not by referring to the complaint or other
1921 document—the act or acts restrained or required.

1922 (b) *Persons Bound.* The order binds only the following who receive actual notice of it
1923 by personal service or otherwise:

1924 (1) The parties;

1925 (2) The parties’ officers, agents, servants, employees, and attorneys or advocate;
1926 and

1927 (3) Other persons who are in active concert or participation with anyone described
1928 in Rule 803.35-4(b)(1) or (2).

1929

1930 **803.36. Behavior, Disability, Disqualification of Judges**

1931 803.36-1. *Judicial Code of Conduct.* All Judges are subject to the Rules and standards of the
1932 Oneida Tribal Judiciary Canons of Judicial Conduct as specified in that document.

1933 803.36-2. *Disability and Disqualification.* Rule 150.12 of the Judiciary law shall govern the
1934 reprimand, suspension and/or removal of a Judge.

1935

1936 **803.37. Guardian Ad Litem**

1937 803.37-1. This section shall govern the appointment, conduct, duties and powers of guardian’s
1938 ad litem where it is appropriate and authorized under Tribal Law. This section, 803.37, shall
1939 apply in every situation where a guardian ad litem is necessary, except where other Tribal Law is
1940 more specific regarding guardians ad litem, then those laws shall supersede.

1941 (a) A guardian ad litem shall be an attorney or trained advocate. Before being appointed
1942 as guardian ad litem, advocates shall demonstrate an understanding of the role of the
1943 guardian ad litem. Such understanding may be demonstrated by passing an examination
1944 administered by the Judiciary or by an interview conducted by the Chief Judge, Family
1945 Court Judge or such other means determined by the Judiciary.

1946 (b) *Represent Best Interests.* A guardian ad litem shall represent the best interest of the
1947 person for whom he or she is appointed. Representation of best interests may be

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1948 inconsistent with the wishes of the person whose interest the guardian ad litem represents.
1949 The guardian ad litem shall not advocate on behalf of or advise any party so as to create
1950 in the mind of a reasonable person the appearance of representing that party as an
1951 attorney or an advocate.

1952 (c) *Maintain Independence.* A guardian ad litem shall maintain independence,
1953 objectivity and the appearance of fairness in dealings with parties and professionals, both
1954 in and out of the courtroom.

1955 (d) *Professional Conduct.* A guardian ad litem shall act in a manner consistent with the
1956 Judge’s obligations under Rule 1.7 of the Oneida Tribal Judiciary Canons of Judicial
1957 Conduct.

1958 (e) *Avoid Conflicts of Interest.* No person who is an interested party in a proceeding,
1959 appears as an attorney or advocate in a proceeding on behalf of any party, or is a relative
1960 or representative of an interested party may be appointed guardian ad litem in that
1961 proceeding. A guardian ad litem shall:

1962 (1) Avoid any actual or apparent conflict of interest or impropriety in the
1963 performance of guardian ad litem responsibilities.

1964 (2) Avoid self-dealing or association from which a guardian ad litem might
1965 directly or indirectly benefit, other than for compensation as guardian ad litem.

1966 (3) Take action immediately to resolve any potential conflict or impropriety and
1967 advise the Court and the parties of action taken, resign from the matter, or seek
1968 Court direction as may be necessary to resolve the conflict or impropriety.

1969 (4) Not accept or maintain appointment if the performance of the duties of
1970 guardian ad litem may be materially limited by the guardian’s ad litem
1971 responsibilities to another client or a third person, or by the guardian’s ad litem
1972 own interests.

1973 (f) *Treat parties with respect.* A guardian ad litem is an officer of the Court and as such
1974 shall at all times treat the parties with respect, courtesy, fairness and good faith.

1975 (g) *Become informed about case.* A guardian ad litem shall make reasonable efforts to
1976 become informed about the facts of the case and to contact all parties. A guardian ad
1977 litem shall examine material information and sources of information, taking into account
1978 the positions of the parties.

1979 (h) *Make requests for evaluations to Court.* A guardian ad litem shall not require any
1980 evaluations or tests of any person except as required by Tribal Law or Court order issued
1981 following notice and opportunity to be heard.

1982 (i) *Timely inform the Court of relevant information.* A guardian ad litem shall file a
1983 written report with the Court and the parties as required by law or Court order, or in any
1984 event not later than five (5) business days prior to a hearing for which a report is required.
1985 The report shall be accompanied by a written list of documents considered or called to
1986 the attention of the guardian ad litem and persons interviewed during the course of the
1987 investigation.

1988 (j) *Limit duties to those ordered by Court.* A guardian ad litem shall comply with the
1989 Court’s instructions as set out in the order appointing a guardian ad litem, and shall not
1990 provide or require services beyond the scope of the Court’s instruction unless by motion
1991 and on adequate notice to the parties, a guardian ad litem obtains additional instruction,
1992 clarification or expansion of the scope of such appointment.

1993 (1) A guardian ad litem shall not be called as a witness in any proceeding or
1994 hearing in which he/she is a guardian ad litem, except where, with the Court’s
1995 permission, clarification is requested regarding the guardian ad litem’s report. In

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- 1996 such case, testimony shall be restricted to that which is needed to clarify such
1997 report.
- 1998 (k) *Inform individuals about role in case.* A guardian ad litem shall identify him or
1999 herself as a guardian ad litem when contacting individuals in the course of a particular
2000 case and inform individuals contacted in a particular case about the role of a guardian ad
2001 litem in the case at the earliest practicable time. A guardian ad litem shall advise
2002 information sources that the documents and information obtained may become part of
2003 Court proceedings.
- 2004 (l) *Appear at hearings.* The guardian ad litem shall be given notice of all hearings and
2005 proceedings. A guardian ad litem shall appear at any hearing for which the duties of a
2006 guardian ad litem or any issues substantially within a guardian ad litem’s duties and
2007 scope of appointment are to be addressed.
- 2008 (m) *Ex parte communication.* A guardian ad litem shall not have ex parte
2009 communications concerning the case with the Judge(s) involved in the matter except as
2010 permitted by Court Rule or by Tribal Law.
- 2011 (n) *Maintain privacy of parties.* As an officer of the Court, a guardian ad litem shall
2012 make no disclosures about the case or the investigation except in reports to the Court or
2013 as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall
2014 maintain the confidential nature of identifiers or addresses where there are allegations of
2015 domestic violence or risk to a party’s or child’s safety. The guardian ad litem may
2016 recommend that the Court seal the report or a portion of the report of the guardian ad
2017 litem to preserve the privacy, confidentiality, or safety of the parties or the person for
2018 whom the guardian ad litem was appointed. The Court may, upon application, and under
2019 such conditions as may be necessary to protect the witnesses from potential harm, order
2020 disclosure or discovery that addresses the need to challenge the truth of the information
2021 received from the confidential source.
- 2022 (o) *Perform duties in timely manner.* A guardian ad litem shall perform responsibilities
2023 in a prompt and timely manner, and, if necessary, request timely Court reviews and
2024 judicial intervention in writing with notice to parties or affected agencies.
- 2025 (p) *Maintain documentation.* A guardian ad litem shall maintain documentation to
2026 substantiate recommendations and conclusions and shall keep records of actions taken by
2027 the guardian ad litem.
- 2028 (q) *Keep records of time and expenses.* A guardian ad litem shall keep accurate records
2029 of the time spent, services rendered, and expenses incurred in each case and file an
2030 itemized statement and accounting with the Court and provide a copy to each party or
2031 other entity responsible for payment. The Court may make provisions for fees and
2032 expenses pursuant to Tribal Law or Court Rule in the Order Appointing Guardian ad
2033 Litem or in any subsequent order.
- 2034 (r) At final paternity hearings, dispositional hearings and at other times when
2035 appropriate, the guardian ad litem shall provide a written report to the Court with his or
2036 her recommendations. The recommendations shall be based upon a full and independent
2037 investigation of the facts. The report shall include:
- 2038 (1) The sources of information used by the guardian ad litem;
- 2039 (2) What home visits were done by the guardian ad litem and the results of the
2040 visits;
- 2041 (3) Who the guardian ad litem interviewed including parents, relatives and
2042 professionals;
- 2043 (4) Whether the guardian ad litem had contact with the child or children;

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- 2044 (5) Relevant provisions of the law; and
2045 (6) The guardian ad litem’s recommendation on the contested issues
2046 (s) The appointment of a guardian ad litem terminates upon the entry of the Court’s final
2047 order or upon the termination of any appeal in which the guardian ad litem participates.
2048 (t) As an officer of the Court, a guardian ad litem has only such authority conferred by
2049 the order of appointment. A guardian ad litem shall have the following authority:
2050 (1) *Access to party.* Unless circumstances warrant otherwise, a guardian ad litem
2051 shall have access to the persons for whom a guardian ad litem is appointed and to
2052 all information relevant to the issues for which a guardian ad litem was appointed.
2053 (A) The access of a guardian ad litem to the child and all relevant
2054 information shall not be unduly restricted by any person or agency.
2055 (B) When the guardian ad litem seeks contact with a party who is
2056 represented by an attorney or advocate, the guardian ad litem shall
2057 notify the attorney or advocate in advance of such contact. The
2058 guardian ad litem’s contact with the represented party shall be as
2059 permitted by the party’s attorney or advocate, unless otherwise ordered
2060 by the Court.
2061 (2) *Timely receipt of case documents.* Until discharged by Court order a guardian
2062 ad litem shall be timely furnished copies of all relevant
2063 pleadings, documents, and reports by the party which served or submitted them.
2064 (3) *Timely notification.* A guardian ad litem shall be timely notified of all Court
2065 hearings, administrative reviews, staffing’s, investigations, dispositions, and other
2066 proceedings concerning the case by the person or agency scheduling the
2067 proceeding.
2068 (4) *Notice of proposed agreements.* A guardian ad litem shall be given notice of,
2069 and an opportunity to indicate his or her agreement or objection to any proposed
2070 agreed order of the parties governing issues substantially related to the duties of a
2071 guardian ad litem.
2072 (5) *Participate in all proceedings.* A guardian ad litem shall participate in Court
2073 hearings through submission of written and supplemental oral reports and as
2074 otherwise authorized by Tribal law or Court Rule.
2075 (6) *Access to records.* Except as limited by law or unless good cause is shown to
2076 the Court, upon receiving a copy of the order appointing a guardian ad litem, any
2077 person or agency shall permit a guardian ad litem to inspect and copy any and all
2078 records and interview personnel relating to the proceeding for which a guardian
2079 ad litem is appointed. Examples of persons and agencies to whom this provision
2080 applies include but not limited to any hospital, school, child care provider,
2081 organization, department of social and health services, doctor, health care
2082 provider, mental health provider, chemical health program, psychologist,
2083 psychiatrist, or law enforcement agency.
2084 (7) *Access to Court files.* Within the scope of appointment, a guardian ad litem
2085 shall have access to all relevant Judiciary files. Access to sealed or confidential
2086 files shall be by separate order. A guardian ad litem’s report shall inform the
2087 Court and parties if the report contains information from sealed or confidential
2088 files. The clerk of Court shall provide certified copies of the order of appointment
2089 to a guardian ad litem upon request and without charge.
2090 (u) *Rights and powers.* In every case in which a guardian ad litem is appointed, a
2091 guardian ad litem shall have the rights and powers set forth below. These rights and

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- 2092 powers are subject to all applicable Tribal laws and Court Rules.
- 2093 (1) *File documents and respond to discovery.* A guardian ad litem shall have the
- 2094 right to file pleadings, motions, notices memoranda, briefs, and other documents,
- 2095 and may, subject to the Trial Court's discretion engage in and respond to
- 2096 discovery.
- 2097 (2) *Note motions and request hearings.* A guardian ad litem shall have the right
- 2098 to make motions and request hearings before the Court as appropriate to the best
- 2099 interests of the person(s) for whom a guardian ad litem was appointed.
- 2100 (3) *Introduce exhibits, examine witnesses, and appeal.* A guardian ad litem shall
- 2101 have the right, subject to the Court's discretion, to introduce exhibits, subpoena
- 2102 witnesses, and conduct direct and cross examination of witnesses.
- 2103 (4) *Oral argument and submission of reports.* A guardian ad litem shall have the
- 2104 right to fully participate in the proceedings through submission of written reports,
- 2105 and, may with the consent of the Court present oral argument.
- 2106 (v) *Additional rights and powers in other cases.* For good cause shown, a guardian ad
- 2107 litem may petition the Court for additional authority.
- 2108

803.38. Hearing Procedure

2110 803.38-1. *General Procedure.* The Court shall follow the procedures contained below for all

2111 hearings and trials, but may in its discretion shorten or eliminate procedural steps that are

2112 unnecessary for a particular hearing which may not be complex enough to warrant every step

2113 contained below.

2114 (a) *Hearing is called to Order.*

2115 (1) The full name of the Court is stated.

2116 (2) The name of the presiding Judge is stated.

2117 (3) A statement of authority and jurisdiction is made, making reference to General

2118 Tribal Council Resolution 01-07-13-Band Judiciary Law, Chapter 150 of the

2119 Oneida Code of Laws or, if in Family Court, Family Court Law, Chapter 151 of

2120 the Oneida Code of Laws.

2121 (4) The docket number of the civil case and the names of all parties are stated for

2122 the record. Advocates for parties shall state their name for the record.

2123 (b) *Pending Motions.* All pending motions are resolved prior to the commencement of

2124 the full hearing.

2125 (1) Motions filed less than fourteen (14) days prior to the hearing shall only be

2126 considered and decided in accordance with Rule 803.7-5(d).

2127 (c) *Stipulations; Additional Documents.* All stipulations or matters officially noted

2128 which are known to the parties or Judge prior to the hearing shall be entered into the

2129 record.

2130 (1) Either party with additional documents to submit for the Court's review

2131 which was not submitted two (2) days prior to the hearing may attempt to submit

2132 these documents at this time.

2133 (2) A party attempting to submit additional documents shall have a copy for each

2134 Judge and the opposing party and shall show good cause as to why the documents

2135 were not submitted prior to the hearing.

2136 (3) The Court may accept or deny the submission of documents immediately, or

2137 postpone a decision as to the reasonableness for the untimely submission until the

2138 close of the hearing.

2139 803.38-2. *Order of Presentation.* The Parties shall proceed in this order:

- 2140 (a) Parties' Opening Statements;
2141 (1) Plaintiff's opening statement.
2142 (2) Defendant's opening Statement.
2143 (b) The plaintiff's case;
2144 (c) The defendant's case;
2145 (d) Plaintiff rebuttal;
2146 (e) Defendant rebuttal;
2147 (f) Plaintiff closing statement;
2148 (g) Defendant closing statement.
2149

2150 **803.39. Appeals**

2151 803.39-1. *Where to Appeal.* All requests for an appeal from a decision of any lower hearing
2152 body or Court shall be heard by the Court of Appeals.

2153 803.39-2. *Appellate Procedure.* Upon commencement of the appellate action, parties shall be
2154 required to follow the Court of Appeals' Rules of Procedure, Chapter 154 of the Oneida Code of
2155 Laws.

2156
2157 *End.*

2158 Adopted BC-04-25-14-A

2159 Emergency Amended BC-__-__-__

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Consider adoption of Resolution: Oneida Personnel Policies and Procedures Emergency Amendments

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member


Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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: April 20, 2018
 RE: Oneida Personnel Policies and Procedures Emergency Amendments

Please find the following attached backup documentation for your consideration of the Oneida Personnel Policies and Procedures Emergency Amendments:

1. Resolution: Oneida Personnel Policies and Procedures Emergency Amendments
2. Statement of Effect: Oneida Personnel Policies and Procedures Emergency Amendments
3. Oneida Personnel Policies and Procedures Emergency Amendments Legislative Analysis
4. Oneida Personnel Policies and Procedures (Redline)
5. Oneida Personnel Policies and Procedures (Clean)

Overview

Emergency amendments to the Oneida Personnel Policies and Procedures are requested in order to address the dissolution of the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary – Trial Court, and the creation of the Personnel Selection Committee through resolution BC-04-11-18-B.

The Oneida Business Committee can temporarily enact legislation when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and when the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act. A fiscal impact statement and public meeting are not required for emergency legislation. *[1 O.C. 109.9-5]*.

The emergency amendments to the Oneida Personnel Policies and Procedures are necessary for the preservation of the general welfare of the reservation population, in an effort to ensure that employees of the Nation have due process rights in the absence of the Personnel Commission. Additionally, observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest.

The emergency amendments to the Oneida Personnel Policies and Procedures will become effective immediately upon adoption by the Oneida Business Committee, and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. *[1 O.C. 109.9-5(b)]*.

Requested Action

Approve the Resolution: Oneida Personnel Policies and Procedures Emergency Amendments.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Oneida Personnel Policies and Procedures Emergency Amendments

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 Personnel Policy and Procedures Section III governs selection policy for employment
12 in the Nation and references the involvement of the Personnel Commission in the
13 selection and screening of job applicants, as well as the training requirements of the
14 Personnel Commission; and
15

16 **WHEREAS,** the Personnel Policy and Procedures Section V governs employee relations, and
17 references the role of the Personnel Commission in the employee grievance process;
18 and
19

20 **WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018,
21 through resolution BC-04-11-18-A in an effort to consolidate employment related
22 grievance hearings into the Judiciary to increase consistency in hearing processes,
23 efficiency, and reduce overall costs to the Oneida Nation; and
24

25 **WHEREAS,** resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and
26 present emergency legislative amendments to fully address the impact of this resolution
27 by the April 25, 2018, Oneida Business Committee meeting; and
28

29 **WHEREAS,** resolution BC-04-11-18-A states that emergency action to amend legislation to change
30 references to the Personnel Commission to reflect either the Judiciary – Trial Court or the
31 new Personnel Selection Committee is needed to contain expenditures which may go
32 over budget, to provide standards in hearing processes, and provides clear judicial
33 hearing authority; and
34

35 **WHEREAS,** the Oneida Business Committee created the Personnel Selection Committee on April 11,
36 2018, through resolution BC-04-11-18-B for the purpose of protecting against issues of
37 nepotism and enforcing Oneida and Indian preference; and
38

39 **WHEREAS,** the emergency amendments to the Oneida Personnel Policies and Procedures replace
40 any reference to the Personnel Commission which refer to actions affecting employees
41 involving adverse employment actions for which a hearing is authorized with a reference
42 to the Judiciary – Trial Court; and
43

- 44 **WHEREAS,** the emergency amendments to the Oneida Personnel Policies and Procedures replace
45 any reference to the Personnel Commission which refer to actions involving hiring,
46 including screening and interviews with a reference to the Personnel Selection
47 Committee; and
48
- 49 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
50 legislation on an emergency basis, to be in effect for a period of six (6) months,
51 renewable for an additional six (6) months; and
52
- 53 **WHEREAS,** the emergency adoption of these amendments to the Oneida Personnel Policies and
54 Procedures are necessary for the preservation of the public health, safety, or general
55 welfare of the reservation population in order to ensure that the general welfare and due
56 process rights of employees of the Nation are preserved in absence of the Personnel
57 Commission; and
58
- 59 **WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for
60 adoption of this amendment would be contrary to public interest; and
61
- 62 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact
63 statement when considering emergency legislation.
64
- 65 **NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Oneida Personnel
66 Policies and Procedures are hereby adopted on an emergency basis and shall become effective
67 immediately.



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



Statement of Effect

Oneida Personnel Policies and Procedures Emergency Amendments

Summary

This Resolution adopts emergency amendments to the Oneida Personnel Policies and Procedures which replace any reference to the Personnel Commission with a reference to the Judiciary - Trial Court or the Personnel Selection Committee.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 20, 2018

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Oneida Personnel Policies and Procedures. The Oneida Personnel Policies and Procedures govern employment related matters of the Nation. Personnel Policy and Procedures Section III governs selection policy for employment in the Nation and references the involvement of the Personnel Commission in the selection and screening of job applicants, as well as the training requirements of the Personnel Commission. Personnel Policy and Procedures Section V governs employee relations, and references the role of the Personnel Commission in the employee grievance process.

On April 11, 2018, the Oneida Business Committee dissolved the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary in an effort to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation. The Oneida Business Committee felt it was now appropriate to begin consolidating employment related grievance hearings into the Judiciary as the number of current cases in the Personnel Commission was low and the costs of maintaining judicial hearing authorities continues to increase.

Oneida Business Committee resolution BC-04-11-18-A also requires that the Legislative Operating Committee develop and present emergency legislative amendments to fully address the impact of this resolution to the next Oneida Business Committee meeting. This resolution states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority.

Additionally, the Oneida Business Committee created the Personnel Selection Committee on April 11, 2018, through resolution BC-04-11-18-B for the purpose of protecting against issues of nepotism and enforcing Oneida and Indian preference

The emergency amendments to the Oneida Personnel Policies and Procedures replace any reference to the Personnel Commission which refer to actions affecting employees involving

adverse employment actions for which a hearing is authorized with a reference to the Judiciary – Trial Court. The emergency amendments also replace any reference to the Personnel Commission which refer to actions involving hiring, including screening and interviews with a reference to the Personnel Selection Committee.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is “necessary for the immediate preservation of the public health, safety or general welfare of the reservation population” and when “enactment or amendment of legislation is required sooner than would be possible under the Legislative Procedures Act.” [1 O.C. 109.9-5].

The emergency amendments to the Oneida Personnel Policies and Procedures are necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved in the absence of the Personnel Commission. Additionally, observance of the adoption requirements under the LPA for adoption of this amendment would be contrary to public interest. Through the resolution BC-04-11-18-A, the Oneida Business Committee has issued a finding of an emergency and has stated the necessity for approving emergency amendments to the Oneida Personnel Policies and Procedures.

The emergency amendments to the Oneida Personnel Policies and Procedures will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

Adoption of this Resolution would not conflict with any of the Nation’s laws.



Emergency Amendments to Personnel Policies and Procedures

SECTION 1. BACKGROUND

REQUESTER: OBC	SPONSOR: David Jordan	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	The intent of the amendments is to transfer the Oneida Personnel Commission's responsibilities under this law to the Oneida Judiciary and the newly created Personnel Selection Committee.		
Purpose	The purpose of the Personnel Policies and Procedures is to govern the Nation's employment policies regarding recruitment, selection, compensation and benefits, employee relations, safety and health, record keeping and other work standards.		
Affected Entities	Oneida Human Resources Department, Oneida Judiciary, Oneida Personnel Commission, Oneida Personnel Selection Committee, All employees of the Nation, All applicants who interview for jobs with the Nation.		
Affected Legislation	Oneida Personnel Policies and Procedures.		
Enforcement/Due Process	This law includes a disciplinary process for violations. Employees may appeal disciplinary actions to their area manager or Oneida Judiciary Trial Court [<i>see Personnel Policies and Procedures – Section V</i>].		
Public Meeting	A public hearing is not required for emergency legislation.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** On April 11, 2018, the Oneida Business Committee (OBC) dissolved the Oneida Personnel
- 3 Commission and directed that the Commission's hearing authority be transferred to the Oneida
- 4 Judiciary. The OBC directed the LOC to draft emergency amendments to address the impact of this
- 5 resolution and placed the commission's pending cases on hold until emergency amendments are
- 6 adopted [*see BC Resolution 04-11-18-A*]. On the same day, the Oneida Business Committee created
- 7 the Personnel Selection Committee to assume the Personnel Commission's responsibilities related to
- 8 job screening and interviews [*see BC Resolution 04-11-18-B*].
- 9 **B.** References to the Personnel Commission appear in several of the Nation's laws. Now that the
- 10 Personnel Commission is dissolved, amendments are necessary to transfer the Personnel
- 11 Commission's responsibilities to the Oneida Judiciary or to the newly created Personnel Selection
- 12 Committee.
- 13 **C.** These emergency amendments ensure that the Nation's employees may continue to file employment-
- 14 related grievances. These emergency amendments also ensure that the Nation's job screening and
- 15 interview process will include participation from the newly created Personnel Selection Committee.
- 16

SECTION 3. CONSULTATION

- 17
- 18 **A.** The Judiciary Law, Personnel Policies and Procedures, Employee Protection Policy, and Military
- 19 Service Employee Protection Act were reviewed in drafting this analysis.
- 20 **B.** Personnel Commission staff were consulted regarding the number of pending cases and filing fees.
- 21
- 22

23 **SECTION 4. PROCESS**

- 24 **A.** This amendment is being considered on an emergency basis. The Oneida Business Committee may
25 temporarily enact an emergency law where legislation is necessary for the immediate preservation of
26 public health, safety, or general welfare of the reservation population and enactment or amendment of
27 legislation is required sooner than would be possible under this law [*see Legislative Procedures Act,*
28 *1 O.C. 109.9-5*].
- 29 **B.** Through resolution BC-04-11-18-A, the OBC has issued a finding of an emergency and has stated the
30 necessity for approving emergency amendments to this law. Emergency amendments to this law are
31 necessary for the preservation of the general welfare of the reservation population, in an effort to
32 ensure that employees of the Nation have due process rights in the absence of the Personnel
33 Commission.
- 34 **C.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
35 considering emergency legislation; however they will be required when considering permanent
36 adoption of this amendment. Emergency amendments expire six (6) months after adoption and may
37 be renewed for one additional six (6) month period.
- 38 **D.** This law was originally added to the Active Files List on 12/20/2017 and reclassified as emergency
39 amendments on 4/18/2018.
40

41 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 42 **A. Section III – Selection Policy.** This section of the law governs the Nation’s procedures regarding
43 hiring, screening, interviewing, and selecting job applicants. All references to the Personnel
44 Commission in this section have been replaced with the Personnel Selection Committee:
- 45 *i. Training.* The Personnel Selection Committee must undergo training and periodic re-training in
46 Equal Employment Opportunity (EEO) and Tribal laws, rules and regulations [*see Personnel*
47 *Policies and Procedures – Section III(B)(1)*].
- 48 *ii. Role of Personnel Selection Committee.* The section of this law describing the role of the
49 Personnel Commission has been re-titled to describe the role of the Personnel Selection
50 Committee. This role, which remains unchanged, includes: seeking out the best-matched
51 applicants for each available position and considering only job-related factors when selecting
52 applicants [*see Personnel Policies and Procedures – Section III(B)(2)(b)*].
- 53 *iii. Screening.* Screening Committees, which conduct screening of job applicants, will now include
54 a member of the Personnel Selection Committee instead of a member of the Personnel
55 Commission [*see Personnel Policies and Procedures – Section III(B)(2)(f)(1)*].
- 56 *iv. Interviews.* Interview Committees, which conduct interviews of job candidates, will now
57 include a second member of the Personnel Selection Committee instead of a second member of
58 the Personnel Commission. [*see Personnel Policies and Procedures – Section III(B)(2)(g)(1)*].
- 59 **B. Section V – Employee Relations.** This section of the law governs the Nation’s procedures regarding
60 disciplinary actions and employee grievances. All references to the Personnel Commission in this
61 section have been replaced with the Oneida Judiciary Trial Court:
- 62 *i. Appeal Process.* Employees who wish to appeal the area manager’s decision will now take their
63 appeals to the Judiciary Trial Court instead of the Personnel Commission [*See Personnel*
64 *Policies and Procedures - Section V(D)(6)(b)*].

Analysis to redline Draft #1 for OBC Emergency Adoption
2018 04 20

- 65 ii. *Timelines and Notification Requirements.* All timelines and requirements for notice or delivery
66 of documents remain unchanged. However, all references to the Personnel Commission within
67 these timelines have been replaced with the Judiciary Trial Court:
- 68 a. *Timeline for Appeal.* The timeline for filing appeals remains unchanged at ten (10)
69 working days from date the employee receives the Area Manager’s decision. These appeals
70 must now be filed with the Judiciary Trial Court instead of the Personnel Commission. [*see*
71 *Personnel Policies and Procedures - Section V(D)(6)(b)*].
- 72 b. *Notifying HRD of Appeal.* The Judiciary Trial Court, not the Personnel Commission, must
73 notify HRD that an appeal has been filed within one (1) business day [*see Personnel*
74 *Policies and Procedures - Section V(D)(6)(b)*].
- 75 c. *Delivery of Case Documents.* All information regarding the case must be hand delivered to
76 the Oneida Judiciary Trial Court, instead of the Personnel Commission.
- 77 d. *Notice of Hearing Date.* The Trial Court, rather than the Personnel Commission, will
78 notify petitioners and respondents of their hearing date at least five (5) working days prior
79 to the hearing.
- 80 e. *Delivery of Case Documents.* If a hearing date has been scheduled, all information
81 regarding the case must be hand delivered to the Oneida Judiciary Trial Court at least two
82 (2) working days before the appeal date.
- 83 iii. *Process for New Evidence and Decisions.* The process for introduction of new evidence and
84 rendering decisions remains unchanged, except that references to the Personnel Commission are
85 replaced with the Oneida Judiciary Trial Court:
- 86 a. *New Evidence.* If new evidence is introduced during the Trial Court process, then the
87 hearing will be suspended and the case remanded to the Area Manager to reconsider his or
88 her original decision based on the new evidence [*see Personnel Policies and Procedures*
89 *Section V(D)(6)(b)(4)*].
- 90 b. *Basis of Decision.* The Trial Court, rather than the Personnel Commission, will base their
91 decisions only on the information presented to them [*see Personnel Policies and*
92 *Procedures Section V(D)(6)(b)(4)*].
- 93 c. *Decision.* The decision of the Judiciary Trial Court is final. The Trial court may uphold the
94 disciplinary action or overturn the disciplinary action. If the disciplinary action is
95 overturned, the Trial Court may reinstate the employee with or without back pay [*see*
96 *Personnel Policies and Procedures Section V(D)(6)(b)(7)*].

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98 SECTION 6. EFFECT ON EXISTING LEGISLATION

99 A. As a result of the dissolution of the Personnel Commission and creation of the Personnel Selection
100 Committee, the following laws are also being amended on an emergency basis:

- 101 i. Oneida Employee Protection Policy
102 ii. Military Service Employee Protection Act
103 iii. Oneida Judiciary Rules of Civil Procedure

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105 SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR 106 OBLIGATIONS

- 107 **A. *Pending Cases.*** Five cases are currently pending before the Personnel Commission. These cases
108 have been placed on hold until amendments to this and related laws have been adopted. Any
109 timelines associated with these cases have also been placed on hold. Upon adoption, these pending
110 cases and all future cases will be transferred to the Oneida Judiciary Trial Court. The Business
111 Committee's resolution indicates that the Judiciary has identified that it is prepared to accept these
112 responsibilities [see BC Resolution 04-11-18-A].
- 113 **B. *Trial Court Filing Fees.*** The Personnel Commission did not charge filing fees for their services. The
114 Trial Court, however, charges a \$50 filing fee for general civil cases. Therefore, individuals may now
115 be required to pay filing fees in order to have their case heard.
- 116 *i. Fee Waiver.* If individuals are unable to pay the filing fee, they may request a fee waiver
117 from the court for the following reasons: Unemployed, Health/Medical, Indigent (poverty
118 level), or other reasons.

121 SECTION 8. OTHER CONSIDERATIONS

- 122 **A. *Impact on Draft Employment Law.*** The Oneida Business Committee and General Tribal Council are
123 currently considering adoption of an Employment Law. A draft of the Employment Law was most
124 recently presented to GTC on 3/19/2017.
- 125 *i. Creation of Personnel Selection Committee.* The draft of the Employment Law dissolves the
126 Personnel Commission and transfers its hearing authority to the Trial Court and all non-
127 hearing related responsibilities to HRD. The draft of the Employment Law and handbook
128 should be updated to reflect the BC's action to dissolve the Personnel Commission and create
129 the Personnel Selection Committee.
- 130 **B. *Permanent Adoption of Amendments to Personnel Policies and Procedures.*** The Oneida Personnel
131 Policies and Procedures can only be permanently amended by the General Tribal Council (GTC).
132 While the OBC may adopt emergency amendments to this law, any permanent amendments to this
133 law should be brought to the GTC for adoption.
- 134 *i.* Below are examples of previous emergency amendments to Personnel Policies and
135 Procedures that were later adopted by GTC:

Emergency Amendments by OBC:	Permanent Adoption by GTC:	Description of Amendments:
BC Resolution 09-10-03-A	GTC Resolution 02-28-04-A	Emergency amendments to address vagueness and ambiguity regarding the grievance process.
BC Resolution 04-14-10-B and BC Resolution 09-22-10-D	GTC Resolution 05-23-11-A	Emergency amendments to strengthen Indian Preference in Hiring
BC Resolution 09-08-10-C and BC Resolution 02-23-11-D	GTC Resolution 05-23-11-B	Emergency Amendments on Trade Back for Cash of Personal and Vacation Time

- 136
- 137 *ii.* Since the OBC and GTC are already considering revisions to Personnel Policies and
138 Procedures through adoption of the Employment Law, OBC may wish to include these
139 amendments in future drafts and debate on that law.

- 140 **C. *Appeals of Trial Court's Decision.*** The current Personnel Policies and Procedures stated that
141 decisions of the Personnel Commission are final [*see Personnel Policies and Procedures Section*
142 *V(D)(6)(b)(7)*]. However, decisions of the Personnel Commission have previously been appealed to
143 the Oneida Judiciary Appeals Court. Since the Personnel Commission has been replaced with the
144 Trial Court, these amendments now state that decisions of the Trial Court are final. Since the review
145 of orders, sentences and judgments of the Trial Court is within the jurisdiction of the Court of
146 Appeals, the LOC should consider revising this section to state that decisions of the Trial Court may
147 be appealed to the Court of Appeals [*see Judiciary Law, 8 O.C. 801.8-2*].
- 148 **D. *Personnel Selection Committee Bylaws.*** The Oneida Business Committee has directed the LOC to
149 draft the by-laws for the Personnel Selection Committee to be placed on the May 23, 2018 Oneida
150 Business Committee regular meeting agenda or earlier [*see BC Resolution 04-11-18-B*].
- 151 **E. *Historical Caseload of Personnel Commission.*** Based on a review of the Personnel Commission's
152 quarterly reports, the Commission's caseload is provided for informational purposes: In Fiscal Year
153 2017, The Personnel Commission participated in 245 prescreens, 154 job interviews, and heard 20
154 grievance cases.

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PERSONNEL POLICIES AND PROCEDURES MANUAL

SECTION I – Introduction



Welcome to the Oneida Nation. We are pleased to have you join us as a partner on a team of people dedicated to providing quality service that enhances the quality of life of the Oneida community. The role you play in your position is important to the overall effort required by your department to meet the goals and objectives of the Oneida Nation. We encourage you to take advantage of the opportunities presented to you, as an employee, to grow and develop both personally and professionally.

The purpose of this “Employee Manual” is to provide you with a ready source of information about employee related Oneida tribal policies and procedures. Although we have tried to make this manual as comprehensive as possible; it does not, and cannot, include policies which address every situation that may arise. The Oneida Nation reserves the right to modify, alter, change or cancel existing policies and procedures or adopt new procedures and policies at any time.

The policies and procedures set forth in this manual apply to all employees. As an employee of the Oneida Nation, you are required to know and abide by these policies and procedures. Tribal departments may have specific and additional procedures enhancing the general policies stated in this manual. Each employee is expected to learn his/her department’s procedures and comply with them. In the event of any conflict between policies in this manual and departmental procedure, the policies in this manual supersede. Each employee is also expected to conform to the professional standards of his/her occupation. Questions regarding this manual, or any employee related policies, should be directed to your supervisor, department head, or to the Human Resources Department at (920) 496-7900.

The Oneida Nation is proud to have you on our staff and we look forward to a fulfilling and successful team relationship.

SECTION II - RECRUITING**A. RECRUITING****1. Recruiting Strategy**

- a. The Oneida Tribe shall implement a Recruiting Strategy to increase the potential for hiring the best-qualified and most capable employees possible.
 - 1) The Recruiting Strategy shall target as the first priority applicants in accordance with the Oneida and Indian Preference Policy.
 - 2) The Recruiting Strategy shall have a nationwide focus and will use:
 - a) The Kalihwisaks (national distribution);
 - b) The Oneida Higher Education Office's network of post-secondary school students;
 - c) Local and regional media and public employment agencies.

2. Applicant Pool

- a. The Oneida Tribe shall establish and maintain an Applicant Pool consisting of individuals who have expressed an interest in working for the Oneida Tribe.
 - 1) The Applicant Pool will consist of files containing:
 - a) A Tribal Application Form;
 - b) A summary of career goals and job preferences.
 - 2) The Applicant Pool will be regularly reviewed to:
 - a) Update individual files;
 - b) Remove files where indicated.
 - 3) The Applicant Pool will be cross-referenced by job preferences.
 - a) Notices of job vacancies and an Application Form will be sent to all Applicant Pool members as appropriate.
 - 4) All Applicant Pool members shall have the right to review and update their file upon request.
 - 5) Applicant Pool members shall be apprised of the Tribe's Indian Preference Policy.

B. LABOR POOLS

1. Supervisors that wish to establish a job classification as a Labor Pool Position will work with the HRD to establish the job classification.
2. Each Labor Pool Position shall be advertised as on-going recruitment pool. The HRD shall maintain an updated list of qualified candidates for each Labor Pool Position.
3. The HRD will accept all job applications and verify that each applicant is qualified according to the established job description. All qualified applicants will then be placed in a pool according to the Tribe's Oneida and Indian Preference Policy and the date the application was received. All applicants will be notified of acceptance into or rejection from the pool.
 - a. **PRESCREENING OF LABOR POOL POSITIONS** (HR Interpretation 11-13-12) Applicants who were previously employed by the Oneida Tribe and were terminated for reasons of misconduct or performance issues will be screened out for a period of twelve (12) months following the date of discharge.

- 76 4. The HRD will keep an updated list of qualified applicants for each job position.
- 77 5. When a vacancy occurs in a Labor Pool Position, the supervisor will notify the HRD of the
- 78 position to be filled. The HRD Office shall then refer the top three (3) applicants to the
- 79 immediate supervisor. The top three applicants shall be based first on the Oneida and Indian
- 80 Preference Policy and, second, the date an application was received. The immediate supervisor
- 81 will notify the HRD of their selection and the HRD will then offer the position to the applicant.
- 82 After the position is filled, all ranked candidates will move up on the list. [\(HR Interpretation 7-11-13\)](#)
- 83 6. If the applicant refuses the position, the HRD Office will then offer it to the next applicant until
- 84 the position is filled.
- 85 7. If the applicant refuses the job, the applicant may withdraw from the Labor Pool or, if he or she
- 86 declines to withdraw from the Labor Pool, the date of refusal will be considered the date the
- 87 application was received and the applicant will be placed in the Labor Pool list according to B.3.
- 88 8. Indian (Oneida) Preference will be adhered to in all hiring decisions.
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90 C. EMERGENCY/TEMPORARY POSITIONS

- 91 1. The HRD will periodically recruit individuals who are interested in filling temporary positions
- 92 which consist of the following classifications:
- 93 a. Emergency/Temp
- 94 b. Limited Term
- 95 c. Seasonal
- 96 d. Substitute/Relief
- 97 e. Youth Worker
- 98 f. Student/Intern
- 99 2. Creation of Positions
- 100 a. Creation of positions in the above Temporary Employee Classifications will require that
- 101 these positions be budgeted for the current fiscal year, or proof through documentation
- 102 that the budget is adequate to incorporate these positions.
- 103 b. The positions must be developed in conjunction with the HRD; assuring that all Policies and
- 104 Procedures are adhered to. Creation of temporary classification requires the approval of
- 105 the Director, Area Manager, and HRD Manager, or elected official of the Oneida Tribe.
- 106 c. All newly created temporary positions must be processed through the Wage and Salary
- 107 system before a position can be filled with a temporary employee.
- 108 3. Recruitment/Selection
- 109 a. Recruitment/selection of applicants for all temporary positions requires a completed
- 110 Temporary Personnel Requisition form with an updated job description attached.
- 111 b. The HRD will provide a list of qualified candidates according to the job descriptions to the
- 112 immediate supervisor. The immediate supervisor will select from the approved list adhering
- 113 to Indian Preference.
- 114 c. The HRD will contact the selected candidate and offer the position, following the proper
- 115 procedures to put the incumbent on payroll.
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- 117 d. The selected candidate will sign a statement accepting conditions of temporary
118 employment, and length of employment where applicable.
- 119 e. Temporary employees will be paid within the Grade in which the job is classified and salary
120 will be negotiated within the first three (3) steps of respective grade.
- 121 1) Any negotiated salary beyond step three will require written justification and approval
122 form the respective General Manager. (H.R. Interpretation, 12-8-16)
- 123 f. Temporary employees are welcome to apply for any regular position within the Tribe that
124 becomes available during the term of their employment.
- 125 g. Temporary employees that are terminated due to documented cause will have the right to
126 the appeal process as outlined in the Personnel Policies and Procedures.
- 127 h. All temporary employees are subject to lay-off based upon department job needs and
128 budgets. (HR Interpretation – 11-25-13)
- 129 i. Supervisors are required to do proficient planning within their respective span of control; as
130 such they must also enforce separation dates and will be monitored by HRD for compliance.
- 131 j. Supervisors must select the most appropriate category of classification for the job.
132 1) Moving from one classification to another is prohibited.
- 133 4. Benefits
- 134 a. The following employee classifications will be eligible for benefits as defined in the section
135 of the Personnel Policies and Procedures as medical, dental, vacation and personal accrual,
136 holiday pay, premium pay.
- 137 1) Limited Term
- 138 2) Seasonal
- 139 b. The following employee classifications will be eligible for benefits as defined in this section
140 of the Personnel Policies and Procedures as Mandatory Benefits and Holiday pay.
- 141 1) Emergency/Temporary
- 142 2) Substitute/Relief
- 143 3) Seasonal Worker (only during their first season)
- 144 c. The following employee classifications will be eligible for benefits as defined in this section
145 of the Personnel Policies and Procedures as Mandatory Benefits.
- 146 1) Youth Worker
- 147 2) Student/Intern
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SECTION III – SELECTION POLICY

A. ONEIDA PREFERENCE AND INDIAN PREFERENCE STATEMENT OF POLICY

Federal policy since 1834 accords hiring preference to Indians. The purpose of this preference is threefold: 1) to give Indians a greater participation in self-government; 2) to further the Government's trust obligation; and 3) to increase the positive effect of having Indians administer matters that affect Indian tribal life. [\(GTC Resolution – 5-23-11-A\)](#)

More recently, legislation such as the Civil Rights Act (1964) and the Education Amendments of 1972 (passed after the Equal Employment Opportunity Act) continued to specifically provide for preferential hiring of Indians by Indian Tribes.

As an employer, the Tribe seeks to employ individuals who possess the skills, abilities and background to meet the employment needs of the Tribe.

As a sovereign Indian Tribe and a unique cultural group, the Oneida Tribe has determined that a highly desirable employment characteristic is knowledge of Oneida culture that can be attained only by membership (or eligibility for membership) in the Oneida Tribe. Further, the Tribe recognizes the unique, shared culture of Native American Indians and has determined that a desirable employment characteristic is status as a member of an American Indian Tribe. At a minimum, the Tribe has determined that some knowledge of Indian culture is a desirable employment characteristic.

Accordingly, the Oneida Tribe establishes the following policy in regard to Indian Preference for selecting employees to provide services that meet the needs of the Oneida people. This Indian Preference policy shall be specific to staffing decisions made under the Personnel Policies and Procedures and shall not be construed to have an application outside of these policies and procedures.

The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and follows non-discriminatory policies and procedures in personnel decisions. [\(HR Interpretation 5-19-14\)](#) However, the Oneida Tribe exists to serve the needs of the Oneida people and therefore accords Oneida Preference to enrolled Oneida Tribal Members where such preference is not otherwise prohibited. All General Managers and top administrative positions, as defined by HRD, shall be held by enrolled Tribal members. In all other instances, the Tribe applies the following priorities of Indian Preference in staffing decisions:

- 1 Enrolled Oneida Tribal member;
- 2 Oneida Indians eligible for enrollment in the Oneida Tribe;
- 3 Documented first generation Oneida descendant;
- 4 Other Native American Indian;
- 5 Other (non-Indian). [\(HR Interpretation 6-24-11\)](#)

This policy will apply in decisions where the basic requirements for employment are met.

- 197 B. HIRING PROCEDURE
- 198 1 Statement of Policy
- 199 a. The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and
- 200 follows nondiscriminatory policies in hiring.
- 201 b. The Oneida Tribe is a firm advocate of the 1964 Civil Rights Act (as amended) and the 1968
- 202 Indian Civil Rights Act (as amended) and will make every effort to ensure compliance with
- 203 each Act; however:
- 204 c. The Oneida Tribe follows the principles of Indian Preference in the implementation of hiring
- 205 practices (see the Oneida Preference and Indian Preference Statement of Policy).
- 206 | d. The members of the ~~Personnel Commission~~ Personnel Selection Committee and all Tribal
- 207 employees who supervise other Tribal employees shall undergo training in EEO and Tribal
- 208 laws, rules and regulations.
- 209 1) Training will be knowledge - and skills-based
- 210 | 2) All Personnel ~~Commission~~ Selection Committee members and Tribal supervisors will
- 211 undergo periodic re-training in EEO and Tribal laws, rules and regulations
- 212 e. No person shall be recommended for a position if a conflict of interest or nepotism is
- 213 created. Nepotism is created by the following relationships: [\(HR Interpretation 08-13-12\)](#)
- 214 a) Father i) Father-in-law
- 215 b) Mother j) Mother-in-law
- 216 c) Husband k) Brother-in-law
- 217 d) Wife l) Sister-in-law
- 218 e) Brother m) Son-in-law
- 219 f) Sister n) Daughter-in-law
- 220 g) Son m) Grandparent
- 221 h) Daughter n) Grandchild
- 222 2. Hiring Procedures
- 223 a. HRD Office Responsibilities
- 224 1) Unless specifically noted, the HRD Office will have responsibility for implementing the
- 225 policies and procedures guiding the selection of Tribal employees.
- 226 | b. Personnel ~~Commission~~ Selection Committee Role
- 227 | 1) The Oneida Tribe established the Personnel ~~Commission~~ Selection Committee to
- 228 represent the Oneida Community-at-large in the selection of tribal employees.
- 229 | a) The Personnel ~~Commission~~ Selection Committee is directed to:
- 230 i. Seek out the best-matched applicants for each available position;
- 231 ii. Consider only job-related factors (such as education, experience, past job
- 232 performance, skills and abilities, and compatibility with the position and
- 233 potential co-workers) when selecting candidates.
- 234 c. Identification of Vacancies and Development of Job Descriptions [\(Work Standard, 11-16-11\)](#)
- 235 1) Supervisors may inform the HRD Office of pending vacancies as soon as they are
- 236 identified.
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- 2) For existing positions, the HRD Manager (or designate), the supervisor and the Area Manager (at his/her option) will review the job description to ensure compliance with:
 - a) The Tribal job structure;
 - b) The needs and requirements of the job.
 - 3) For new positions, the HRD Manager, the appropriate Area Manager, and the supervisor shall develop the job description.
 - a) **The new job description shall conform to the Tribal job structure.**
 - b) The new job description will be reviewed by the General Manager.
(HR Interpretation, 12-8-16)
 - 4) All job descriptions shall contain the following information:
 - a) Job title, division/department, location, supervisor's title;
 - b) Posting date, application deadline, preferred starting date, date of job, description review;
 - c) Pay level (grade, step, hourly rate);
 - d) A brief job summary;
 - e) Duties and responsibilities;
 - f) Qualifications;
 - g) Inquiry address;
 - h) Statement of compliance with EEO and Indian Preference policies.
- d. Applications
- 1) All inquiries for job vacancies will be responded to with a Tribal Application Form which will consist of:
 - a) Job vacancy title;
 - b) Applicant biographical data;
 - c) A request for a resume (where applicable).
 - 2) The Application Form shall be accompanied by a Statement of Policy regarding Oneida Preference and Indian Preference.
 - 3) Hand-delivered applications will be accepted at the HRD Office until 4:30 p.m. on the deadline date; mailed applications must be postmarked on or before the deadline date.
 - 4) All applications will be acknowledged.
- e. Advertising
- 1) Position vacancies will be advertised as widely as possible including:
 - a) The Kalihwisaks;
 - b) Statewide, through print and electronic media and public employment agencies;
 - c) Through targeted recruiting efforts including:
 - i. Major metropolitan areas (i.e. Milwaukee, Chicago, Minneapolis, etc.)
 - ii. The Bureau of Indian Affairs;
 - iii. The Oneida Higher Education Office.

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- 280 d) Other postings targeted toward special recruiting categories (such as professions)
- 281 shall be carried out at the discretion of the HRD Office with the advice and consent
- 282 of the affected department.
- 283 2) Unless otherwise prohibited by external grant source or federal law, the first posting
- 284 for a position vacancy shall be limited to enrolled Oneida members and shall be posted
- 285 for a minimum of seven (7) calendar days.
- 286 3) The second posting for a position vacancy shall be posted for a minimum of ten (10)
- 287 calendar days and shall be open to the general public, unless the position must be filled
- 288 by an enrolled Oneida Tribal member. (HR Interpretation 8-9-11)
- 289 4) All vacancies requiring re-posting shall be referred back to B-2.c (Identification of
- 290 Vacancies and Development of Job description) to begin the re-posting process.
- 291 f. Screening of Applicants (HR Interpretation 11-16-12) (HR Interpretation 10-22-12)
- 292 1) A Screening Committee consisting of the HRD Manager (or designate), the position
- 293 supervisor, the Area Manager (at his/her option), and a member of the Personnel
- 294 ~~Commission~~ Selection Committee shall be convened to conduct the screening of
- 295 applicants. The Screening process will begin as soon as practical following the closing of
- 296 the position. This Committee will:
- 297 a) Verify that all applications are complete, are accurate and were submitted on time.
- 298 i. Applications that are incomplete, inaccurate, or were not submitted on or
- 299 before the posted deadline date may be screened out.
- 300 b) Analyze the job description to establish screening criteria. These criteria will
- 301 include qualifications listed on the job description determined by the supervisor
- 302 and Area Manager to be essential to the job. (T.O.E. WS - 5-6-13)
- 303 c) Screen verified applications
- 304 d) Recommend a list of applicants to be interviewed.
- 305 2) The HRD Office shall notify screened out applicants within five (5) working days after
- 306 the initial screening and reserve these applications in the general recruiting pool.
- 307 3) The HRD Office will arrange for interviews with the listed candidates.
- 308 g. Candidate Interviews
- 309 1) An Interview Committee will be convened and will consist of the members of the
- 310 Screening Committee except that the HRD Manager will be replaced with a second
- 311 member of the Personnel ~~Commission~~ Selection Committee. The Interview Committee
- 312 will:
- 313 a) Construct an interview format consisting of:
- 314 i. A set of questions related to the screening criteria qualifications;
- 315 ii. An interview rating scale designed to objectively evaluate each candidate's
- 316 qualifications.
- 317 b) Interview candidates and evaluate each individually
- 318 2) The HRD Manager (or designee) will total the evaluation rating scale to rank order of the
- 319 candidates.

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- h. Selection [\(Interpretation - Disqualification of Applicant 10-24-2013\)](#)
 - 1) The supervisor shall select one of the top two (2) candidates as ranked through the rating scale. [\(HR Interpretation - 10-17-12\)](#)
 - a) The supervisor may conduct an additional personal interview with the top two (2) candidates.
 - b) The selection decision shall be governed by the Oneida Preference and Indian Preference Policy. [\(HR Interpretation - 6-6-11\)](#)
 - c) The HRD Office will notify the selected candidate and offer the candidate the job within five (5) working days of the selection decision by the supervisor.
 - i. Should the supervisor's first choice refuse the offer, the HRD Office will offer the job to the second ranked candidate.
 - 2) Should both of the top two ranked candidates refuse the job offer, the supervisor may:
 - a) Repeat the process outlined in B.2.h.1. above; or
 - b) Re-post the position.
 - 3) The HRD Office will notify those candidates interviewed but not selected of the decision to hire the best-qualified candidate.
 - 4) All newly hired employees will be listed in the HR newsletter.
- C. TRANSFERS AND PROMOTIONS POLICY - The Oneida Tribe encourages transfers and promotions within and among units in order to make the best possible use of human resources to meet Tribal goals and objectives. Supervisors and employees are encouraged to work together to create an environment in which employees constantly strive to improve their skills and abilities and managers constantly seek to provide challenging and rewarding work experiences.
 - 1. Procedure
 - a. Internal Posting and Bidding
 - 1) Open positions as determined by a supervisor and his/her Area Manager will be posted internally for five (5) working days. This internal posting will be concurrent with the external (public) posting of positions.
 - a) Positions will be posted in prominent locations in each Tribal building
 - 2) Tribal employees may bid for transfers by notifying their immediate supervisor and submitting an Application Form to the HRD Office.
 - a) The HRD Manager will inform all affected Area Managers of each transfer bid.
 - 3) At the end of the five (5) day internal posting period, the HRD Manager will schedule a conference with the open position's supervisor and the Area Manager.
 - a) The conference committee will consist of the supervisor, the Area Manager and the HRD Manager (or designate) acting as this Committee will:
 - i. Establish selection criteria; and
 - ii. Review each bid.
 - b) The Committee may select the best-qualified applicant but is not required to choose an applicant to fill the open position from those employees who have

- 361 submitted an application for a transfer or promotion.
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- 363 c) If the Committee does not fill the position from the transfer/promotion process,
364 the process will continue through the full advertising, screening and interview
365 steps.
366 i. Any decision will be governed by the Indian Preference Policy.
- 367 4) Employees who are transferred or promoted will not lose any benefits; however:
368 a) An employee may be required to continue serving in his/her present position until
369 a replacement can be found;
370 b) An employee who is transferred to a position lower on the Tribal Job Structure will
371 be paid at the grade level corresponding to the new position;
372 c) An employee must have completed one year of service to the Tribe before being
373 eligible for a promotion or transfer (requests for transfers for documented medical
374 conditions will be handled on a case by case basis and only when in the best
375 interests of both the employee and the Tribe);
376 d) The newly transferred or promoted employee shall be required to complete a three
377 (3) month probation period (all conditions of the Tribe's Probation Policy shall
378 apply).
- 379 b. Applicant Pool Process
380 1) New and vacant positions will be advertised through the Tribal Applicant Pool.
381 2) The job description will be sent to persons whose applications are maintained in the
382 Applicant Pool.
383 a) The Tribal Applicant Pool will consist of open (unspecified) applications from Tribal
384 members who wish to be considered for employment by the Tribe.
385 b) Advertising through the Tribal Applicant Pool will follow the format and time
386 conditions set forth in the Hiring Policy.
- 387 2. Reassignments
388 a. Title Reassignments
389 1) Title Reassignments may be made by supervisors to:
390 a) More accurately describe or define an existing job; or
391 b) Make minor adjustments in jobs within a unit or operating division.
392 2) Title Reassignments may be made at any time with the approval of the Area Manager
393 and HRD Manager.
- 394 b. Job Reassignments
395 1) Job Reassignments may be made by supervisors to make more efficient and effective
396 use of human resources.
397 2) Job Reassignments may be supervisor-initiated or employee-initiated but must be
398 made in the best interests of the operating unit.
399 3) Job Reassignments may be made at any time with the approval of the Area Manager
400 and after a review of each affected job by the Personnel Evaluation Committee.
401 c. Interim Job Reassignments [\(Work Standard 7-11-13\)](#)

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D. PROBATION ([Work Standard 1-20-2011](#))

1. The first three (3) months after an employee's starting date shall be considered a period of probation. At the end of six (6) weeks, the employee's performance shall be reviewed with him/her by the supervisor by completing an employee evaluation.
 - a. At the end of the three-month probation period, a second performance evaluation will be conducted. This evaluation will recommend the end of probation and regular status for the employee, an extension of probation, or termination for cause.
2. Status as a Probationary Employee
 - a. Probationary employees will be paid at five percent (5%) below the posted pay rate for the position.
 - 1) New employees hired under a negotiated salary will receive a salary one step below the agreed upon salary during the probationary period.
 - b. Probationary employees will accrue vacation/personal days during the probation period and will receive holiday pay.
 - c. Probationary employees may be terminated for cause at any time during the probation period. Cause must consist of a violation of policies or the documented inability of the employee to perform the duties and responsibilities of the position. This termination is subject to appeal. ([BC Action 3-20-92](#))
3. Completion of Probation Period
 - a. Satisfactory completion of probation will result in the employee receiving the regular salary for the position.
 - b. Employees who are terminated during the probation period will receive credit for accrued vacation/personal days in their final paycheck.
 - c. Extensions of probation periods will not affect accrual of or use of benefits as explained under D.2.

443
444**SECTION IV - COMPENSATION AND BENEFITS**445
446**A. SALARY**

447

1. Tribal Job and Salary Structure

448

a. An ongoing plan will be instituted based on standard employee grades and step levels to assure that a uniform approach is taken to establish equitable salary and wage levels.

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b. Employee performance evaluations will be a resource in determining whether an employee receives an increase in pay for the upcoming year. An overall satisfactory rating must be attained in order to be granted an increase in pay.

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c. Merit increase shall be granted upon the recommendation of the supervisor, the Area Manager, the HRD Manager and the General Manager.

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2. Workday [\(Work Standard, 10-17-12\)](#)

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a. The regular Tribal workday is from 8:00 a.m. to 4:30 p.m. with an hour for lunch. The exception to these hours occurs only if the program/enterprise hours must vary for the purpose of providing service (such as retail hours beyond 4:30 p.m.). Shifts will be developed as needed, and the shift hours will then become the regular workday for assigned employees for that program/enterprise.

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b. Employees are expected to be at work each scheduled work day.

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1) Employees who do not report for work because of inclement weather or unforeseen circumstances will not be paid for that day. Employees may elect to use personal day(s) to cover this absence. [\(Work Standard, 11-8-12\)](#)

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2) In case of an unavoidable delay or absence, the supervisor must be notified no later than thirty (30) minutes after the scheduled starting time. Employees are encouraged to notify their supervisor before their scheduled starting time.

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i. Employees failing to report to their assigned jobs or failing to call in within the thirty (30) minute time allowed will be subject to disciplinary action.

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ii. Permission to leave early must be obtained by the employee from his/her supervisor.

473

3. Overtime

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a. Any and all overtime will be kept to a minimum and must be approved by the Supervisor and Area Manager.

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1) In the case of potential overtime that may occur at night, on holidays or on weekends, supervisors will delegate this authority to a specific employee and outline specific situations and actions that warrant overtime.

479

b. All overtime must be reported to the supervisor for evaluation.

480

c. Overtime will be approved only if the program or enterprise budget is capable of paying it.

481

d. Overtime will be approved only for hours worked in excess of forty (40) hours per week.

482

Personal/vacation days and holidays will not count toward the forth (40) hour requirements.

483

484

e. Tribal employees are expected to work overtime if required. Time and one-half will be paid for this overtime.

- 485 f. Exempt employees are not eligible for overtime.
486 1) The HRD Office will maintain a list of exempt employees.
- 487 4. Holidays ([Work Standard, 4-15-11](#))
- 488 a. Tribal holidays consist of the following:
- 489 1) One-half day Christmas Eve
490 2) Christmas Day
491 3) New Year's Day
492 4) Memorial Day
493 5) Veteran's Day
494 6) Independence Day
495 7) Labor day
496 8) Thanksgiving Day
497 9) Indian Day (day after Thanksgiving)
498 10) One-half day Good Friday
499 11) Code Talker's Day (Oneida Day, Friday prior to Memorial Day)
500 ([BC Resolution – 12-11-13A](#))
- 501 b. To be eligible for a paid holiday, employees must work the preceding and following
502 scheduled work days (except for employees who are on a prescheduled work leave or an
503 approved extended sick leave.) Employees who are granted a sick day directly prior to a
504 holiday must certify that they were capable of working the holiday in order to qualify for a
505 paid holiday.
- 506 c. All regular employees will be given holiday pay for the maximum pay of eight (8) hours per
507 day.
- 508 d. Holidays falling on a Saturday will be observed the preceding Friday; holidays falling on a
509 Sunday will be observed on the following Monday. ([2017 Holiday Observance Calendar](#)) ([2016 Holiday Observance
510 Calendar](#))
- 511 e. The Oneida Tribe acknowledges its responsibility to make a reasonable accommodation to
512 employees who wish time off to observe religious holidays. Requests for such time off will
513 be granted where possible, based on the scheduling and staffing needs of affected
514 departments. Employees wishing to take time off work for religious observances should
515 inform their supervisor as early as possible. Employees may use personal time for such
516 requests if eligible; otherwise the time off will be treated as unpaid leave.
- 517 5. Vacation/Personal Days
- 518 a. Every Tribal employee, except temporary employees, shall be allowed personal and vacation
519 days with pay to the extent that personal days and vacation are accumulated. Temporary
520 employees shall be allowed personal and vacation days in accordance with Section II.C.4.
521 ([GTC Resolution – 7-02-12-A](#))
- 522 b. The amount of personal and vacations days shall be determined by continuous service for
523 the Tribe. A "lay-off" from tribal employment shall not be considered in interruption in
524 continuous service where the lay-off is in accordance with the Tribe's Layoff Policy, nor shall
525 a preapproved leave of absence. ([Accruals Interpretation, 3-6-12](#))

- 526 c. Except as provided for in section g, the accrual of personal days shall be as follows:
527 [\(BC Resolution, 4-13-11F\)](#)
- 528 1) 0-3 years of service - 6 days per year;
 - 529 2) 4-7 years of service - 8 days per year;
 - 530 3) 8-14 years of service - 10 days per year;
 - 531 4) 15+ years of service - 12 days per year;
- 532 d. Except as provided for in section g, the accrual of vacation days shall be as follows:
- 533 1) 0-3 years of service - 12 days per year
 - 534 2) 4-7 years of service - 15 days per year;
 - 535 3) 8-15 years of service - 20 days per year;
 - 536 4) 15+ years of service - 25 days per year.
- 537 e. Part-time employees accrue personal and vacation days for time actually worked at a ratio
538 of a full-time employee.
- 539 f. Service is defined as working for Programs/Enterprises which are contracted by the Tribe of
540 specifically sponsored by the Tribe.
- 541 g. Vacation and personal days shall be capped at 280 hrs. [\(BC Resolution, 11-10-10D\)](#) An employee
542 shall cease to accrue vacation and personal hours when he or she has reached 280 total
543 hours. Supervisors shall notify their employees when said employees have accumulated 200
544 total hours of vacation and personal time.
- 545 1) An employee may trade back accumulated vacation and personal hours in accordance
546 with Section IV.A.5.n. below. [\(GTC Resolution – 5-23-11-B\)](#)
- 547 h. Upon termination from Tribal employment, employees will be paid for any unused personal
548 and/or vacation days.
- 549 1) Employees who have used the Tribally-sponsored loan program will be required to
550 honor the terms of the loan agreement.
- 551 i. Personal Days can be used for any reason so long as the request is approved by the
552 employee's supervisor at least twenty-four (24) hours in advance (unless the absence is due
553 to illness or unforeseen circumstances).
- 554 1) In the case of illness or unforeseen circumstance, the supervisor shall be notified no
555 later than fifteen (15) minutes before the scheduled starting time.
 - 556 2) Programs and enterprises may institute stricter standards of notification. These
557 standards will be submitted to and approved by the Personnel Department.
- 558 j. An employee shall notify his/her supervisor of an intent to use personal days in the
559 following ways:
- 560 1) Three (3) to five (5) days - one (1) week advance notification
 - 561 2) Six (6) days or more - two (2) weeks advance notification.
- 562 k. An employee shall notify his/her supervisor one (1) day in advance if he/she will take off one
563 (1) or two (2) days of vacation. Programs and enterprises may institute stricter standards of
564 notification.
- 565 1) Three (3) to five (5) days of vacation require a one (1) week advance notification.
 - 566 2) Six (6) or more days of vacation require at least two (2) weeks advance notification.

- 567 I. The burden shall be on the supervisor to show that a denial of a personal day or a vacation
568 day is based upon interference with the business of the Tribe.
- 569 m. Personal or Vacation Days cannot be taken when an employee is on probation.
- 570 n. Trade-back for Cash - Each fiscal year, the Oneida Business Committee shall analyze fiscal
571 conditions to determine whether employees may trade back personal and/or vacation hours
572 for cash that fiscal year. [\(Work Standard, 10-11-11\)](#)
- 573 1) If the Oneida Business Committee approves trade-back for cash, they shall also
574 determine whether (a) and/or (b) applies:
- 575 i. All employees will have the opportunity to trade-back hours one time that year.
- 576 1. By August 15, each employee who has accumulated twenty-four (24) hours
577 or more of vacation and/or personal days may opt to trade in his/her hours
578 for cash.
- 579 2. Employees will receive their trade back on or before September 30 of that
580 year.
- 581 ii. Only those employees who are unable to utilize their personal and/or vacation time
582 due to working conditions, such as a shortage in staffing, as determined by the HRD
583 Manager or designee, will have the opportunity to trade back hours on a quarterly
584 basis.
- 585 1. Employees will receive their trade back within sixty (60) days after opting to
586 trade back hours.
- 587 2) When trade-back for cash is approved by the Oneida Business Committee, the following
588 standards shall apply:
- 589 i. Employees must decide which status (vacation or personal or both) from which their
590 trade-back will be drawn.
- 591 ii. Employees may not trade for cash more than eighty (80) hours in one year.
592 [\(GTC Resolution 5-23-11-B\)](#)
- 593 o. Additional Duties Compensation
- 594 p. Travel Time Compensation [\(Work Standard - 3-20-13\)](#)
- 595
- 596 B. INSURANCES [\(see separate publication\)](#) for information on Tribal Insurance plans.
597 [\(Separating Employees WS 5-6-13\)](#)
- 598 C. RETIREMENT PLAN [\(See separate publication for information on Tribal Retirement Plan\).](#)
- 599 D. LEAVES
- 600 1. Meeting Attendance
- 601 a. Approval for attending any meetings inside normal working hours must be approved in
602 advance by the employee's immediate supervisor. [\(BC Action, 5-16-89\)](#)
- 603 b. Employees who receive stipends or honoraria in excess of \$50.00 for attending meetings
604 during working hours will forfeit the amount in excess of \$50.00 from their regular
605 paycheck. Stipends for travel or per diem will not be deducted if accompanied by receipts
606 for such expenses.
- 607 c. Stipends or honoraria for intra-tribal meetings during normal working hours will results in

608 the employee's paycheck being reduced by the full amount of the stipend.

609

610 2. Funeral Leave ([Work Standard, 8-2-11](#))

611 a. All regular employees will be given a three (3) day leave without loss of pay for funeral
612 services for immediate family. Immediate family includes:

613 Husband Mother Brother great-grandparent

614 Wife Father Sister great-grandchildren

615 Mother-in-law Son Grandparent Spouse's great-grandparents

616 Father-in-law Daughter Grandchild Spouse's grandparents

617 Daughter-in-law Sister-in-law Brother-in-law

618 b. Three (3) day leave for other persons will be given only if the employee is responsible for
619 making funeral arrangements, subject to prior approval of supervisor.

620 c. All other funeral leave will be limited to no more than one (1) day with pay subject to the
621 notification and approval of the immediate supervisor. ([Management Directive, 12-17-2009](#))

622 3. Leave of Absence ([Work Standard, 6-10-14](#))

623 a. A leave of absence without pay may be granted to employees for a justifiable reason
624 (including caring for a child, spouse or parent with a serious health condition) and when in
625 the best interest of the Tribe.

626 1) Leaves of absence will not exceed three (3) months.

627 i. All leaves of absence must be approved by the supervisor, Area Manager, HRD
628 Manager and General Manager. ([HR Interpretation, 12-8-16](#))

629 ii. Requests must be documented and submitted to the supervisor with as much
630 advance notice as possible.

631 iii. Disposition of requests will be made on the basis of staffing requirements.

632 2) Upon returning, the employee will be reinstated in the former position with full status
633 and benefits. Holiday, vacation, and sick leave will not be accrued during the leave of
634 absence.

635 3) No later than fifteen (15) working days prior to the expiration of the leave period the
636 employee must give notice in writing of his/her intent to return to the position. Notice
637 must be presented to the supervisor.

638 i. Failure to provide written notice will be interpreted to mean that the employee
639 does not intend to return following the leave. The position will be posted and filled
640 through the selection process. ([HR Interpretation 11-21-11](#))

641 4. Maternity Leave

642 a. Maternity leave will be granted for a period of six (6) weeks without pay.

643 1) An employee may elect to cover any portion of this time by using accumulated sick days.

644 2) Any maternity-related absences for longer than six (6) weeks must be taken as a medical
645 leave of absence.

646 5. Military Leave

647 a. In addition to the following provisions, the Tribe's Military Service Protection Act shall
648 govern Military Leave.

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- b. A Military Leave of Absence is afforded employees entering active duty without accumulation of holiday, vacation or personal time during the period of leave. Any accumulated benefits prior to leave will be maintained for the employee.
- c. Time off for inactive duty training, examinations to determine fitness for duty and funeral honors duty shall be afforded to employees without the accumulation or loss of holiday, vacation or personal time. An employee will receive pay from the Tribe for any hours work that the employee was required to miss due to reservist training.

- 1) Any pay received for performing any of the above duties shall be deducted from the employee's pay. [\(GTC Resolution - 1-26-08A\)](#)

6. Jury Duty

- a. During a period of jury duty, an employee will receive pay from the Tribe for any hours of work missed due to jury duty.

- 1) Jury duty pay will be deducted from the employee's paycheck when determining the amount of pay
 - 2) No overtime will be allowed in determining employee pay while serving on jury duty.

7. Educational Leave [\(BC Action, 5-4-90\)](#)

- a. A leave of absence for education purposes will not exceed one (1) year.

8. Parent Policy Leave [\(BC Action, 3-2-94A\)](#)

- a. Employees who are parents, guardians, or those individuals specifically referred to as "immediate family" as defined in Section IV, page 6 of these Personnel Policies and Procedures which includes husband, wife, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, grandparent and grandchild may request to participate in their child(ren)'s educationally sanctioned events not to exceed four (4) hours per employee per month

- 1) These four (4) hours shall not accumulate.

- b. Approval to utilize the four (4) hours must be obtained from the supervisor.

- 1) An employee shall request his/her supervisor to utilize this leave with a minimum of twenty-four (24) hours' notice.

- 2) The Supervisor may request verification of

- i. Guardianship of the child(ren) and/or

- ii. The attendance of the employee at their child(ren)'s educationally sanctioned - event.

- c. The burden shall be on the supervisor to show that a denial of the Parent Policy Leave which is based upon interference with the business of the Tribe.

- d. This leave shall not be paid as overtime. The supervisor may have the option to use flex time to cover this time off to attend their child(ren)'s educationally sanctioned events.

- e. All employees, except Emergency/Temporary, Youth Workers, Student Interns, and Seasonal Workers during their first season, and Substitute Reliefs are eligible to participate in this benefit.

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692 **SECTION V – EMPLOYEE RELATIONS**

693
694 A. ORIENTATION POLICY

695 The Oneida Tribe reflects the unique culture and character of the Oneida Nation. The Tribe recognizes
696 that this may present special problems and difficulties for a new employee. The Tribe therefore
697 provides an Orientation Program designed to ease the new employee's transition into a job and enable
698 the new employee to become effective and productive as quickly as possible.

699 1. Orientation Program Outline

- 700 a. Overview
701 b. Tribal Government and Procedures
702 c. Key Policies and Procedures
703 d. Benefits
704 e. Safety, Health and Security
705 f. Departmental Orientation

706 2. Responsibilities

- 707 a. The HRD Office will administer the General Orientation Program
708 1) The HRD Office will assist Divisions in administering Departmental Orientation
709 Programs.
710 b. The HRD Office will develop and establish an Employee Mentor Program with each Division.
711 1) Employee Mentors will be responsible for conducting the Departmental Orientation.
712 2) Employee Mentors will assist new employees throughout their probation period as a
713 source of references and referrals.
714 c. The HRD Office will annually review the General Orientation Program and each
715 Departmental Orientation Program to:
716 1) Evaluate the effectiveness of each Program,
717 2) Modify programs as necessary.
718 3) Requirements
719 a) The HRD Office will provide a copy of the Employee Policy and Procedures Manual
720 to new employees before (if possible) the scheduled starting date.
721 b) The General Orientation Program will be completed in appropriate stages within the
722 first month of the new employee's starting date.
723 i. The Departmental Orientation will be completed within the first week of the
724 starting date.
725 c) The HRD Office will administer a NEW Employee Reporting Form to provide
726 information for the purposes of maintaining a Tribal wide skills assessment
727 inventory and a management succession plan.

728 B. EVALUATIONS

- 729 1. Evaluation reports will be used in determining all promotions, transfers and salary adjustments.
730 2. Annual evaluation reports for each employee will be submitted to the HRD Office by August 1 of

- 731 each year. [\(Work Standard – 6-4-14\)](#)
- 732 a. Evaluation reports will be retained in each employee’s personnel file.
- 733 3. All Tribal employees will be evaluated at least once a year.
- 734 a. Employee performance evaluations will be conducted by each employee’s immediate
- 735 supervisor. The Business Committee will conduct the performance evaluation of the
- 736 General Manager. [\(HR Interpretation – 12-8-16\)](#)
- 737 b. The supervisor will discuss the evaluation with each employee. The evaluation will then be
- 738 signed by the employee and the supervisor and forwarded to the HRD Office.
- 739 4. Satisfactory evaluations may result in the employee receiving an increase in pay within their
- 740 grade level provided that the employee has not attained the highest step within the grade.
- 741 a. Unsatisfactory evaluations will result in probation status for the employee. The supervisor
- 742 shall provide documentation to the Area Manager and to the employee detailing the
- 743 deficiency(s). A repeat evaluation will be conducted three (3) months after the
- 744 unsatisfactory evaluation. This second evaluation will result in the employee:
- 745 1) Being removed from probation and receiving a salary increase if the second evaluation
- 746 results in an overall satisfactory rating; or
- 747 2) Receiving appropriate disciplinary actions if the second evaluation also results in an
- 748 unsatisfactory rating.
- 749 b. Employees may appeal unsatisfactory evaluations to the HRD Manager. The HRD Manager
- 750 will consult with the supervisor and the employee to negotiate an appropriate resolution
- 751 [\(Work Standard 6-21-11\)](#)
- 752 C. CAREER DEVELOPMENT
- 753 1. Tribal employees are encouraged to develop their skills and abilities by pursuing education at a
- 754 local educational institution. [\(BC Action – 9-9-92\)](#)
- 755 a. Tribal employees must provide a general Career Development Plan to the supervisor listing
- 756 the goals and objectives of the training and education to be undertaken.
- 757 2. Tribal employees may be eligible for assistance for one (1) course per semester. The employee
- 758 must attempt to arrange to take the class outside his/her normal working hours.
- 759 a. Where a class conflicts with the employee’s work schedule, the needs of the Tribal unit take
- 760 precedence; however, the supervisor shall attempt to accommodate the employee’s
- 761 request.
- 762 b. In no case shall the accommodation exceed actual class hours plus reasonable travel time.
- 763 c. Employees must obtain the approval of their immediate supervisor to take a course on
- 764 Tribal time.
- 765 3. The supervisor’s approval and estimated cost must be submitted to the HRD Office, the Area
- 766 Manager and the General Manager. [\(HR Interpretation – 12-8-16\)](#)
- 767 4. The cost of the books, tuition and fees for the course shall be paid by the Tribe through funds
- 768 budgeted in programs or through the Higher Education program.
- 769 a. Reimbursement for books, tuition and fees is contingent upon the employee receiving at
- 770 least a C (2.0 on a 4.0 point scale).
- 771 b. Employees who receive less than the required grade point will be required to reimburse the

772 program for whatever costs were incurred.

773

774 D. COMPLAINTS, DISCIPLINARY ACTIONS, AND GRIEVANCES

775 Disciplinary procedures provide a systematic process for handling problem employees.

776 [\(Work Standard – 5-6-13\)](#) Disciplinary procedures serve to correct unacceptable behavior and to protect the
777 Tribe. Grievance procedures provide a systematic process for hearing and evaluating job related
778 disputes. Grievance procedures serve to protect employees from inconsistent and unfair treatment.
779 In all cases of grievance and discipline, supervisors are enjoined to use common sense, discretion
780 and judicious good sense to resolve complaints between employees, exercise disciplinary
781 prerogatives, and handle grievances.

782 [\(HR Interpretation – 2-4-13\)](#) [\(HR Interpretation - 1-29-14\)](#)

783 1. Complaints

- 784 a. Should an employee have a disagreement with another employee, he/she may lodge an
785 informal (verbal) or formal (written) complaint with the employee's supervisor.
786 b. The supervisor will investigate the complaint and attempt to resolve the disagreement.
787 c. If the employee lodging the complaint is dissatisfied with the attempted resolution, he/she
788 may ask the Area Manager to attempt a resolution.
789 d. There is no further appeal of this process.

790 2. Disciplinary Actions

- 791 a. Disciplinary actions will be initiated by an immediate supervisor for the purpose of
792 correcting unacceptable work performance. The supervisor will always discuss the action
793 with the employee being disciplined to ensure that the employee:
794 1) Understands the reason for the disciplinary action;
795 2) Understands the expected work performance in light of the disciplinary action;
796 3) Understands the consequences of continued unacceptable behavior.
797 b. A supervisor shall initiate disciplinary actions commensurate with the seriousness of the
798 unsatisfactory performance. A supervisor must consider each disciplinary action in
799 progressive order and justify a deviance from that recommended progression.
800 c. The actions listed below are examples of unacceptable work performance and do not
801 constitute a comprehensive or exhaustive list. The actions in parentheses are guidelines for
802 a supervisor to use in administering disciplinary actions. (W = written warning; S =
803 suspension; T = termination):
804 1) Work Performance
805 a) Insubordination (including disobedience) or failure/refusal to carry out assignments
806 or instructions. (W/S/T)
807 b) Loafing, loitering, sleeping or engaging in personal business. (W/S/T)
808 c) Unauthorized disclosure of confidential information or records. (S/T)
809 d) Falsifying records or giving false information to departments and/or employees
810 responsible for Recordkeeping. (S/T)
811 e) Failure to provide accurate and complete information where such information is
812 required by an authorized person. (S/T)

- 813 f) Failure to comply with health, safety and sanitation requirements, rules and
814 regulations. (W/S/T)
- 815 g) Negligence in the performance of assigned duties. (W/S/T)
- 816 2) Attendance and Punctuality
- 817 a) Failure to report promptly and observe work schedules (such as starting time,
818 quitting time, rest and meal breaks) without the specific approval of the supervisor.
819 (W/S/T)
- 820 b) A pattern of unexcused or excessive absenteeism and/or tardiness. (W/S/T)
- 821 3) Use of Property
- 822 a) Unauthorized or improper use of Tribal property or equipment (for example, Tribal
823 vehicles, telephone, mail services, etc.) (W/S/T)
- 824 b) Unauthorized possession, removal or willful destruction of Tribal or another
825 employee's property (including improper use of possession of uniforms,
826 identification cards, badges, permits or weapons). (Willful destruction of property
827 may subject the violator to applicable liability laws.) (T)
- 828 c) Unauthorized use, lending, borrowing or duplicating of Tribal keys. (T)
- 829 d) Unauthorized entry of Tribal property, including unauthorized entry outside of
830 assigned hours of work or entry into restricted areas without prior supervisory
831 approval. (S/T)
- 832 e) Theft or property shall include theft, embezzlement, cheating, defrauding, pilfering,
833 robbery, extortion, racketeering, swindling or any of these actions, or conspiracy to
834 commit such actions with Tribal employees or other persons against the Tribe, its
835 guests, employee, members, customers and/or clients while on or about Tribal
836 premises. (S/T) [\(BC Action – 12-2-88\)](#)
- 837 4) Personal Actions and Appearance
- 838 a) Threatening, attempting, or doing bodily harm to another person. (T)
- 839 b) Intimidating, interfering with or using abusive language toward customers, clients,
840 co-workers or others. (S/T)
- 841 c) Making false or malicious statements concerning other employees, supervisors or
842 program heads. (W/S/T)
- 843 d) Use of alcohol or illegal controlled substances during work hours. (S/T)
844 [\(GTC Resolution – 01-05-09A\)](#)
- 845 e) Reporting for work under the influence of alcohol or illegal controlled substances.
846 (S/T) [\(GTC Resolution – 01-05-09A\)](#)
- 847 f) Failure to immediately report any work-related injuries to the immediate supervisor.
848 (W/S)
- 849 g) Direct involvement in political campaigning during scheduled work hours. Violations
850 include:
- 851 i. Use of Tribal employment title in Tribal campaign activities. (W/S/T)
- 852 1. Political materials include: leaflets, brochures, etc. which solicit support for
853 candidates for office.

- 854 2. Resolutions or petitions which propose that a political action be initiated.
855
- 856 3. Leaflets, newsletters, or other written materials the purpose of which is to
857 espouse political views or opinions.
- 858 h) The acceptance of gifts or gratuities for personal gain in the course of official duties.
859 (Customers are allowed to tip Bingo workers, Oneida Tobacco Enterprise workers,
860 and Museum Workers.) (W/S/T)
- 861 i) Inappropriate dress or personal hygiene which adversely affects the proper
862 performance of duties or constitutes a health or safety hazard. (W/S)
- 863 j) Failure to exercise proper judgment. (W/S/T)
- 864 k) Failure to be courteous in dealing with fellow employees or the general public.
865 (W/S/T)
- 866 l) Any of the following acts by employees: Arson, bribery, perjury, obstruction or
867 interference with an investigation authorized by the Oneida Tribe. (S/T)
868 [\(BC Action – 12-2-88\)](#)
- 869 m) The use, possession, selling or purchasing of, or attempt to sell or purchase alcohol,
870 and/or controlled substances on or about Tribal premises. (S/T)
871 [\(BC Action – 12-2-88\)](#)
- 872 n) Any violation of duly adopted Tribal ordinances. (W/S/T) [\(BC Action – 12-2-88\)](#)
- 873 5) Sexual Harassment Policy
- 874 It is the Oneida Tribe's Policy that all employees have a right to work in an environment
875 free of discrimination which includes freedom from harassment, more specifically sexual
876 harassment. The Oneida Tribe considers sexual harassment, in whatever form, in the
877 workplace to be a serious violation of an individual's dignity and personal rights. In all
878 matters, where complaint of sexual harassment is lodged against an employee, the
879 Oneida Tribe has a duty and obligation to conduct a thorough investigation using
880 discretion, good judgment and the principles and practice of strict confidentiality. If
881 sexual harassment has been committed, the progressive disciplinary process is as
882 follows (W/S/T).
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- 884 Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors,
885 and other verbal or physical conduct of a sexual nature when (1) submission to such
886 conduct is made either explicitly or implicitly a term or condition of an individual's
887 employment, (2) submissions to or rejection of such conduct by an individual is used as
888 the basis for employment decisions affecting such individuals, or (3) such conduct has
889 the purpose or effect of substantially interfering with an individual's work performance
890 or creating an intimidating, hostile, or offensive work environment.
- 891 a) Sexual Harassment (W/S/T)
- 892 i. Procedure
- 893 a. Should an employee have a complaint, he/she should file a formal
894 (written) complaint with the Human Resources Department.

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897 b. The Human Resources Department is obligated to investigate the
898 complaint which is to be held in the strictest confidence. This
899 investigation shall be done within five (5) working days from receiving
900 the formal written complaint.
901 c. After investigating the complaint and the Human Resources Department
902 finds cause to take disciplinary action due to sexual harassment
903 violation, the employee will be disciplined accordingly by their
904 supervisor. This disciplinary action shall be initiated within five (5)
905 working days from the date the supervisor receives the report from the
906 Human Resource Department. [\(BC Actions – 7-16-93\)](#)
907 3. Accumulated Disciplinary Actions Warranting Termination [\(HR Interpretation – 1-29-14\)](#) (Provided that the
908 Drug and Alcohol Free Workplace Policy shall govern disciplinary actions warranting termination
909 for drug and alcohol related violations.) [\(GTC Resolution – 01-05-09A\)](#)
910 a. The accumulation of three (3) upheld warning notices within any twelve (12) month period.
911 (T)
912 b. The accumulation of two (2) upheld suspensions within any twelve (12) month period. (T)
913 c. The accumulation of three (3) of any combination of upheld warning notices and/or upheld
914 suspensions within any twelve (12) month period. (T)
915 4. Substance Abuse Disciplinary Procedure - Section was deleted. [\(GTC Resolution – 01-05-09-A\)](#)
916 [Click here](#) for Drug and Alcohol Free Workplace Policy.
917 5. Disciplinary Procedure [\(Disciplinary Flowchart\)](#)
918 The following procedure shall be adhered to whenever disciplinary action is taken.
919 a. Supervisor becomes aware of unsatisfactory work performance or violation.
920 1) Supervisor investigates through a meeting with the employees and determines whether
921 disciplinary action is warranted.
922 b. If disciplinary action is warranted, within five (5) working days the supervisor will fill out the
923 five (5) part disciplinary action form stating the behavior for which the action is being taken,
924 the time and date of its occurrence, and the specific policy section under which action is
925 being taken.
926 c. The form will be discussed with the employee and a corrective action will be identified.
927 d. The employee being disciplined will sign the form.
928 1) Should an employee being disciplined refuse to discuss the action with his/her
929 supervisor, the supervisor shall so note this, with date of refusal, on the form and
930 distribute as in 5.e.
931 e. Copies will be given to the employee, the HRD Manager, the supervisor, the Area Manager
932 and General Manager within twenty-four (24) hours of the conference with the employee.
933 [\(HR Interpretation – 12-8-16\)](#)
934 f. Should a disciplinary action result in the suspension or termination of an employee, the
935 following guidelines shall apply:

- 936 1) The supervisor shall consult with the HRD Manager to mutually determine the length of
937 the suspension.
- 938 a) Suspensions will be limited to a maximum of three (3) weeks.
- 939 b) Suspension/terminations that are overturned in the appeal process shall result in
940 the employee receiving back pay for the days he/she was suspended/terminated.
- 941 6. Grievance [\(Grievance Flowchart\)](#)
- 942 An employee who receives a disciplinary action which he/she believes is unfair may grieve the
943 action. The Grievance process (including appeals of disciplinary action) shall be conducted with
944 utmost consideration for due process (within the time limits set forth herein) but will allow and
945 account for recognized Tribal holidays and unforeseen circumstances (such as illnesses, deaths
946 in the immediate family of principals, etc.). The HRD office will make every attempt to ensure
947 that grievance procedures are concluded within forty-five (45) working days; however,
948 extensions granted for reasonable unforeseen circumstances (as determined by the HRD
949 Manager) may extend the process. The Grievance process will be governed by the following
950 guidelines: [\(HR Interpretation – 8-19-2011\)](#) [\(HR Interpretation – 1-29-2014\)](#)
- 951 a. For all disciplinary actions, regardless of severity:
- 952 1) The employee (petitioner) must file an appeal in writing.
- 953 a) The employee may seek the assistance of a spokesperson or advocate at any time
954 after the disciplinary action has been issued in order to aid in the resolution of the
955 grievance process.
- 956 b) The appeal must be filed with the Area Manager and the HRD Manager (or
957 designee) within ten (10) working days from the day the employee receives the
958 disciplinary action.
- 959 2) The Area Manager, for all disciplinary action investigations, will have ten (10) working
960 days from the receipt of the employee's appeal to complete the investigation. One
961 extension of no more than five (5) working days may be requested of and granted by the
962 HRD Manager (or designee) at his or her discretion.
- 963 3) The Area Manager will do one of the following:
- 964 a) Uphold the disciplinary action; or
- 965 b) Modify the disciplinary action; or
- 966 c) Overturn the disciplinary action. If a suspension or termination is overturned, the
967 employee (petitioner) shall be reinstated with full back pay.
- 968 4) The Area Manager will file a decision with the employee and the HRD Manager (or
969 designee) and will include a reason for the decision, an explanation of the decision and
970 the action to be taken as a result of it.
- 971 b. The employee may appeal the Area Manager's decision to the [Oneida Personnel Judiciary –](#)
972 [Trial Court Commission](#). The appeal must be filed with the [Oneida Personnel](#)
973 [Commission Judiciary – Trial Court](#) within ten (10) working days from employee's receipt of
974 the Area Manager's decision. Upon receipt of the appeal the [Commission Judiciary – Trial](#)
975 [Court](#) shall, within one business day, notify the HRD Manager (or designee) that an appeal
976 has been filed by the employee. [\(GTC Resolution – 2-28-04A\)](#)

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- 1) Copies of all information of the subject case upon which the disciplinary action was upheld by the Area Manager will be hand delivered to the ~~members of the Personnel Commission~~ Judiciary – Trial Court. The ~~Personnel Commission~~ Judiciary – Trial Court will hear an appeal only if one or both of the following conditions exist:
 - a) The decision of the Area Manager is clearly against the weight of the evidence and/or
 - b) Procedural irregularities were exhibited during the appeal process that may have been harmful to one of the parties to the grievance.
 - 2) If one or both of the above conditions are present, the ~~HRD Office will convene the Personnel Commission~~ Judiciary – Trial Court will to hear the grievance.
 - a) If neither of the above conditions is present, the ~~Personnel Commission~~ Judiciary – Trial Court will deny the appeal for a hearing and affirm the decision of the Area Manager.
 - 3) At least five (5) working days prior to the hearing date, the petitioner, ~~and~~ respondent and Personnel Commission will receive notification of the hearing date.
 - 4) Copies of all information on the subject case upon which the disciplinary action was upheld will be hand-delivered to the ~~members of the Personnel Commission~~ Judiciary – Trial Court at least two (2) working days prior to the appeal date. The petitioner and respondent will have access to this information in the HRD Office at least two (2) days prior to the appeal date.
 - a) If new evidence which was previously unavailable is introduced at any point during the ~~Personnel Commission~~ Judiciary – Trial Court appeal process, the ~~Commission~~ Judiciary – Trial Court hearing will be suspended and the case will be remanded to the Area Manager for reconsideration.
 - i. The Area Manager will reconsider his/her decision in light of the new evidence and issue a decision within three (3) working days.
 - ii. This procedure may be invoked only once. Thereafter, the appeal process will continue to a conclusion based on the information originally presented and the newly introduced evidence.
 - 5) The petitioner shall have the right to be represented by an advocate if he/she so chooses. The expenses of the advocate shall be the total responsibility of the petitioner. The respondent and/or area manager who is party to the grievance action shall have access to an advocate for consultation and/or representation. Should the petitioner engage outside professional legal representation, the respondent and/or area manager shall have access to professional legal representation.
 - a) Should the petitioner and his/her representative both fail to appear for any scheduled hearing without justifiable cause, the decision of the Area Manager shall be upheld and the grievance dismissed.

- 1018 | b) Should the respondent and his/her representative both fail to appear for any
1019 | scheduled hearing without justifiable cause, the decision of the Area Manager shall
1020 | be overturned.
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- 1023 | 6) The decision of the ~~Personnel Commission~~ Judiciary – Trial Court shall be based solely on
1024 | the information presented to them before the appeal hearing, the record of the prior
1025 | proceedings and any new evidence (if introduced appropriately through the provisions
1026 | of 6.b.4.a. above).
- 1027 | 7) The decision of the ~~Personnel Commission~~ Judiciary – Trial Court shall be final. The
1028 | ~~Personnel Commission~~ Judiciary – Trial Court may:
1029 | a) Uphold the disciplinary action; or
1030 | b) Overturn the disciplinary action and:
1031 | i. Reinstatement the employee (petitioner) with full back pay for any lost time;
1032 | ii. Reinstatement the employee (petitioner) without back pay.
- 1033 | 8) The petitioner and respondent have a right to a speedy hearing and decision; therefore,
1034 | notification of the final decision will be made within five (5) working days following the
1035 | hearing.
1036 | a) Notification of the final decision will include:
1037 | i. The final decision;
1038 | ii. The reason(s) for the final decision; and
1039 | iii. The action to be taken as a result of the final decision.
- 1040 | 9) The HRD Office shall:
1041 | a) Keep all records of the hearing;
1042 | b) Provide copies of administrative advocacy rules, procedural rules, and time line
1043 | rules to interested parties.
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SECTION VI – SAFETY AND HEALTH

A. POLICY

The personal safety and health of each employee, customer and client of the Oneida Tribe is of primary importance. The prevention of injuries and illnesses is of such importance that it will take precedence over operating productivity whenever necessary.

The Oneida Tribe will maintain a safety and health program conforming to the best practices available. To be successful, this program will work to develop the proper attitudes toward on-the-job injury and illness prevention on the part of supervisors and employees. This program will strive to develop a high level of cooperation in all safety and health matters between supervisors and employees and among employees.

The objective of this program is a safe and healthy environment that will reduce the number of job-related injuries and illnesses to an absolute minimum. The Tribe's goal is zero accidents and illnesses.

B. PROCEDURES

The Tribal Safety Committee will adopt and enforce through the Personnel Department procedures related to the education of the Tribal work force in matters of safety and health. These procedures will include all education and prevention activities, assessments and evaluations, and reporting.

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SECTION VII – PROGRAM/ENTERPRISE RULES & REGULATIONS

- A. Enterprises and programs may establish internal rules and regulations to facilitate the administration of Tribal Personnel Policies and Procedures.
 - 1. In no case will these internal rules and/or regulations conflict with or take the place of Tribal Personnel Policies and Procedures.
 - 2. Enterprises and programs which establish internal rules and regulations will file a copy of the rules and regulations with the Personnel Department.

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SECTION VIII – RECORD KEEPING

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A. PERSONNEL OFFICE

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1. Basic records to be retained include:
 - a. Reference Data
 - b. Job Descriptions
 - c. Resumes and Applications
 - d. Interview notes/selection information
 - e. Resignations
 - f. Employee tax exemption claims
 - g. Disciplinary action information
 - h. Performance evaluations
 - i. Insurance coverage/changes
 - j. Transfers

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2. The Personnel Office shall keep and maintain a complete record of each employee throughout his/her term of employment.
 - a. Tribal employees shall have access to their employment file.

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- b. Employment files kept by the Personnel Office shall be considered confidential information. Release of any information to a third party must have the consent of the employee in writing.

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B. ACCOUNTING DEPARTMENT

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1. Basic records to be retained include:
 - a. Attendance records
 - b. Employee Time Sheets
 - c. Earnings - in the form of computer printouts
 - d. Travel - in the form of complete travel authorization forms.
 - 1) Time sheets and travel reports shall be filled out by every employee for pay period, collected by the program head, and forwarded to the Department.
2. The Accounting Department shall retain all records for a period of seven (7) years. [\(Archived 29, October 2010\)](#) [\(BC Action, 10-14-09B\)](#)

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PERSONNEL POLICIES AND PROCEDURES MANUAL

SECTION I – Introduction



Welcome to the Oneida Nation. We are pleased to have you join us as a partner on a team of people dedicated to providing quality service that enhances the quality of life of the Oneida community. The role you play in your position is important to the overall effort required by your department to meet the goals and objectives of the Oneida Nation. We encourage you to take advantage of the opportunities presented to you, as an employee, to grow and develop both personally and professionally.

The purpose of this “Employee Manual” is to provide you with a ready source of information about employee related Oneida tribal policies and procedures. Although we have tried to make this manual as comprehensive as possible; it does not, and cannot, include policies which address every situation that may arise. The Oneida Nation reserves the right to modify, alter, change or cancel existing policies and procedures or adopt new procedures and policies at any time.

The policies and procedures set forth in this manual apply to all employees. As an employee of the Oneida Nation, you are required to know and abide by these policies and procedures. Tribal departments may have specific and additional procedures enhancing the general policies stated in this manual. Each employee is expected to learn his/her department’s procedures and comply with them. In the event of any conflict between policies in this manual and departmental procedure, the policies in this manual supersede. Each employee is also expected to conform to the professional standards of his/her occupation. Questions regarding this manual, or any employee related policies, should be directed to your supervisor, department head, or to the Human Resources Department at (920) 496-7900.

The Oneida Nation is proud to have you on our staff and we look forward to a fulfilling and successful team relationship.

SECTION II - RECRUITING

A. RECRUITING

1. Recruiting Strategy

- a. The Oneida Tribe shall implement a Recruiting Strategy to increase the potential for hiring the best-qualified and most capable employees possible.
 - 1) The Recruiting Strategy shall target as the first priority applicants in accordance with the Oneida and Indian Preference Policy.
 - 2) The Recruiting Strategy shall have a nationwide focus and will use:
 - a) The Kalihwisaks (national distribution);
 - b) The Oneida Higher Education Office's network of post-secondary school students;
 - c) Local and regional media and public employment agencies.

2. Applicant Pool

- a. The Oneida Tribe shall establish and maintain an Applicant Pool consisting of individuals who have expressed an interest in working for the Oneida Tribe.
 - 1) The Applicant Pool will consist of files containing:
 - a) A Tribal Application Form;
 - b) A summary of career goals and job preferences.
 - 2) The Applicant Pool will be regularly reviewed to:
 - a) Update individual files;
 - b) Remove files where indicated.
 - 3) The Applicant Pool will be cross-referenced by job preferences.
 - a) Notices of job vacancies and an Application Form will be sent to all Applicant Pool members as appropriate.
 - 4) All Applicant Pool members shall have the right to review and update their file upon request.
 - 5) Applicant Pool members shall be apprised of the Tribe's Indian Preference Policy.

B. LABOR POOLS

1. Supervisors that wish to establish a job classification as a Labor Pool Position will work with the HRD to establish the job classification.
2. Each Labor Pool Position shall be advertised as on-going recruitment pool. The HRD shall maintain an updated list of qualified candidates for each Labor Pool Position.
3. The HRD will accept all job applications and verify that each applicant is qualified according to the established job description. All qualified applicants will then be placed in a pool according to the Tribe's Oneida and Indian Preference Policy and the date the application was received. All applicants will be notified of acceptance into or rejection from the pool.
 - a. **PRESCREENING OF LABOR POOL POSITIONS** (HR Interpretation 11-13-12) Applicants who were previously employed by the Oneida Tribe and were terminated for reasons of misconduct or performance issues will be screened out for a period of twelve (12) months following the date of discharge.

- 76 4. The HRD will keep an updated list of qualified applicants for each job position.
- 77 5. When a vacancy occurs in a Labor Pool Position, the supervisor will notify the HRD of the
- 78 position to be filled. The HRD Office shall then refer the top three (3) applicants to the
- 79 immediate supervisor. The top three applicants shall be based first on the Oneida and Indian
- 80 Preference Policy and, second, the date an application was received. The immediate supervisor
- 81 will notify the HRD of their selection and the HRD will then offer the position to the applicant.
- 82 After the position is filled, all ranked candidates will move up on the list. [\(HR Interpretation 7-11-13\)](#)
- 83 6. If the applicant refuses the position, the HRD Office will then offer it to the next applicant until
- 84 the position is filled.
- 85 7. If the applicant refuses the job, the applicant may withdraw from the Labor Pool or, if he or she
- 86 declines to withdraw from the Labor Pool, the date of refusal will be considered the date the
- 87 application was received and the applicant will be placed in the Labor Pool list according to B.3.
- 88 8. Indian (Oneida) Preference will be adhered to in all hiring decisions.

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90 C. EMERGENCY/TEMPORARY POSITIONS

- 91 1. The HRD will periodically recruit individuals who are interested in filling temporary positions
- 92 which consist of the following classifications:
- 93 a. Emergency/Temp
- 94 b. Limited Term
- 95 c. Seasonal
- 96 d. Substitute/Relief
- 97 e. Youth Worker
- 98 f. Student/Intern
- 99 2. Creation of Positions
- 100 a. Creation of positions in the above Temporary Employee Classifications will require that
- 101 these positions be budgeted for the current fiscal year, or proof through documentation
- 102 that the budget is adequate to incorporate these positions.
- 103 b. The positions must be developed in conjunction with the HRD; assuring that all Policies and
- 104 Procedures are adhered to. Creation of temporary classification requires the approval of
- 105 the Director, Area Manager, and HRD Manager, or elected official of the Oneida Tribe.
- 106 c. All newly created temporary positions must be processed through the Wage and Salary
- 107 system before a position can be filled with a temporary employee.
- 108 3. Recruitment/Selection
- 109 a. Recruitment/selection of applicants for all temporary positions requires a completed
- 110 Temporary Personnel Requisition form with an updated job description attached.
- 111 b. The HRD will provide a list of qualified candidates according to the job descriptions to the
- 112 immediate supervisor. The immediate supervisor will select from the approved list adhering
- 113 to Indian Preference.
- 114 c. The HRD will contact the selected candidate and offer the position, following the proper
- 115 procedures to put the incumbent on payroll.
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- 117 d. The selected candidate will sign a statement accepting conditions of temporary
118 employment, and length of employment where applicable.
- 119 e. Temporary employees will be paid within the Grade in which the job is classified and salary
120 will be negotiated within the first three (3) steps of respective grade.
- 121 1) Any negotiated salary beyond step three will require written justification and approval
122 from the respective General Manager. (H.R. Interpretation, 12-8-16)
- 123 f. Temporary employees are welcome to apply for any regular position within the Tribe that
124 becomes available during the term of their employment.
- 125 g. Temporary employees that are terminated due to documented cause will have the right to
126 the appeal process as outlined in the Personnel Policies and Procedures.
- 127 h. All temporary employees are subject to lay-off based upon department job needs and
128 budgets. (HR Interpretation – 11-25-13)
- 129 i. Supervisors are required to do proficient planning within their respective span of control; as
130 such they must also enforce separation dates and will be monitored by HRD for compliance.
- 131 j. Supervisors must select the most appropriate category of classification for the job.
132 1) Moving from one classification to another is prohibited.
- 133 4. Benefits
- 134 a. The following employee classifications will be eligible for benefits as defined in the section
135 of the Personnel Policies and Procedures as medical, dental, vacation and personal accrual,
136 holiday pay, premium pay.
- 137 1) Limited Term
- 138 2) Seasonal
- 139 b. The following employee classifications will be eligible for benefits as defined in this section
140 of the Personnel Policies and Procedures as Mandatory Benefits and Holiday pay.
- 141 1) Emergency/Temporary
- 142 2) Substitute/Relief
- 143 3) Seasonal Worker (only during their first season)
- 144 c. The following employee classifications will be eligible for benefits as defined in this section
145 of the Personnel Policies and Procedures as Mandatory Benefits.
- 146 1) Youth Worker
- 147 2) Student/Intern
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SECTION III – SELECTION POLICY

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A. ONEIDA PREFERENCE AND INDIAN PREFERENCE STATEMENT OF POLICY

Federal policy since 1834 accords hiring preference to Indians. The purpose of this preference is threefold: 1) to give Indians a greater participation in self-government; 2) to further the Government's trust obligation; and 3) to increase the positive effect of having Indians administer matters that affect Indian tribal life. [\(GTC Resolution – 5-23-11-A\)](#)

More recently, legislation such as the Civil Rights Act (1964) and the Education Amendments of 1972 (passed after the Equal Employment Opportunity Act) continued to specifically provide for preferential hiring of Indians by Indian Tribes.

As an employer, the Tribe seeks to employ individuals who possess the skills, abilities and background to meet the employment needs of the Tribe.

As a sovereign Indian Tribe and a unique cultural group, the Oneida Tribe has determined that a highly desirable employment characteristic is knowledge of Oneida culture that can be attained only by membership (or eligibility for membership) in the Oneida Tribe. Further, the Tribe recognizes the unique, shared culture of Native American Indians and has determined that a desirable employment characteristic is status as a member of an American Indian Tribe. At a minimum, the Tribe has determined that some knowledge of Indian culture is a desirable employment characteristic.

Accordingly, the Oneida Tribe establishes the following policy in regard to Indian Preference for selecting employees to provide services that meet the needs of the Oneida people. This Indian Preference policy shall be specific to staffing decisions made under the Personnel Policies and Procedures and shall not be construed to have an application outside of these policies and procedures.

The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and follows non-discriminatory policies and procedures in personnel decisions. [\(HR Interpretation 5-19-14\)](#) However, the Oneida Tribe exists to serve the needs of the Oneida people and therefore accords Oneida Preference to enrolled Oneida Tribal Members where such preference is not otherwise prohibited. All General Managers and top administrative positions, as defined by HRD, shall be held by enrolled Tribal members. In all other instances, the Tribe applies the following priorities of Indian Preference in staffing decisions:

- 1 Enrolled Oneida Tribal member;
- 2 Oneida Indians eligible for enrollment in the Oneida Tribe;
- 3 Documented first generation Oneida descendant;
- 4 Other Native American Indian;
- 5 Other (non-Indian). [\(HR Interpretation 6-24-11\)](#)

This policy will apply in decisions where the basic requirements for employment are met.

- 197 B. HIRING PROCEDURE
- 198 1 Statement of Policy
- 199 a. The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and
- 200 follows nondiscriminatory policies in hiring.
- 201 b. The Oneida Tribe is a firm advocate of the 1964 Civil Rights Act (as amended) and the 1968
- 202 Indian Civil Rights Act (as amended) and will make every effort to ensure compliance with
- 203 each Act; however:
- 204 c. The Oneida Tribe follows the principles of Indian Preference in the implementation of hiring
- 205 practices (see the Oneida Preference and Indian Preference Statement of Policy).
- 206 d. The members of the Personnel Selection Committee and all Tribal employees who supervise
- 207 other Tribal employees shall undergo training in EEO and Tribal laws, rules and
- 208 regulations.
- 209 1) Training will be knowledge - and skills-based
- 210 2) All Personnel Selection Committee members and Tribal supervisors will undergo
- 211 periodic re-training in EEO and Tribal laws, rules and regulations
- 212 e. No person shall be recommended for a position if a conflict of interest or nepotism is
- 213 created. Nepotism is created by the following relationships: [\(HR Interpretation 08-13-12\)](#)
- 214 a) Father i) Father-in-law
- 215 b) Mother j) Mother-in-law
- 216 c) Husband k) Brother-in-law
- 217 d) Wife l) Sister-in-law
- 218 e) Brother m) Son-in-law
- 219 f) Sister n) Daughter-in-law
- 220 g) Son m) Grandparent
- 221 h) Daughter n) Grandchild
- 222 2. Hiring Procedures
- 223 a. HRD Office Responsibilities
- 224 1) Unless specifically noted, the HRD Office will have responsibility for implementing the
- 225 policies and procedures guiding the selection of Tribal employees.
- 226 b. Personnel Selection Committee Role
- 227 1) The Oneida Tribe established the Personnel Selection Committee to represent the
- 228 Oneida Community-at-large in the selection of tribal employees.
- 229 a) The Personnel Selection Committee is directed to:
- 230 i. Seek out the best-matched applicants for each available position;
- 231 ii. Consider only job-related factors (such as education, experience, past job
- 232 performance, skills and abilities, and compatibility with the position and
- 233 potential co-workers) when selecting candidates.
- 234 c. Identification of Vacancies and Development of Job Descriptions [\(Work Standard, 11-16-11\)](#)
- 235 1) Supervisors may inform the HRD Office of pending vacancies as soon as they are
- 236 identified.
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- 2) For existing positions, the HRD Manager (or designate), the supervisor and the Area Manager (at his/her option) will review the job description to ensure compliance with:
 - a) The Tribal job structure;
 - b) The needs and requirements of the job.
 - 3) For new positions, the HRD Manager, the appropriate Area Manager, and the supervisor shall develop the job description.
 - a) **The new job description shall conform to the Tribal job structure.**
 - b) The new job description will be reviewed by the General Manager.
[\(HR Interpretation, 12-8-16\)](#)
 - 4) All job descriptions shall contain the following information:
 - a) Job title, division/department, location, supervisor's title;
 - b) Posting date, application deadline, preferred starting date, date of job, description review;
 - c) Pay level (grade, step, hourly rate);
 - d) A brief job summary;
 - e) Duties and responsibilities;
 - f) Qualifications;
 - g) Inquiry address;
 - h) Statement of compliance with EEO and Indian Preference policies.
 - d. Applications
 - 1) All inquiries for job vacancies will be responded to with a Tribal Application Form which will consist of:
 - a) Job vacancy title;
 - b) Applicant biographical data;
 - c) A request for a resume (where applicable).
 - 2) The Application Form shall be accompanied by a Statement of Policy regarding Oneida Preference and Indian Preference.
 - 3) Hand-delivered applications will be accepted at the HRD Office until 4:30 p.m. on the deadline date; mailed applications must be postmarked on or before the deadline date.
 - 4) All applications will be acknowledged.
 - e. Advertising
 - 1) Position vacancies will be advertised as widely as possible including:
 - a) The Kalihwisaks;
 - b) Statewide, through print and electronic media and public employment agencies;
 - c) Through targeted recruiting efforts including:
 - i. Major metropolitan areas (i.e. Milwaukee, Chicago, Minneapolis, etc.)
 - ii. The Bureau of Indian Affairs;
 - iii. The Oneida Higher Education Office.

- 279
- 280 d) Other postings targeted toward special recruiting categories (such as professions)
- 281 shall be carried out at the discretion of the HRD Office with the advice and consent
- 282 of the affected department.
- 283 2) Unless otherwise prohibited by external grant source or federal law, the first posting
- 284 for a position vacancy shall be limited to enrolled Oneida members and shall be posted
- 285 for a minimum of seven (7) calendar days.
- 286 3) The second posting for a position vacancy shall be posted for a minimum of ten (10)
- 287 calendar days and shall be open to the general public, unless the position must be filled
- 288 by an enrolled Oneida Tribal member. [\(HR Interpretation 8-9-11\)](#)
- 289 4) All vacancies requiring re-posting shall be referred back to B-2.c (Identification of
- 290 Vacancies and Development of Job description) to begin the re-posting process.
- 291 f. Screening of Applicants [\(HR Interpretation 11-16-12\)](#) [\(HR Interpretation 10-22-12\)](#)
- 292 1) A Screening Committee consisting of the HRD Manager (or designate), the position
- 293 supervisor, the Area Manager (at his/her option), and a member of the Personnel
- 294 Selection Committee shall be convened to conduct the screening of applicants. The
- 295 Screening process will begin as soon as practical following the closing of the position.
- 296 This Committee will:
- 297 a) Verify that all applications are complete, are accurate and were submitted on time.
- 298 i. Applications that are incomplete, inaccurate, or were not submitted on or
- 299 before the posted deadline date may be screened out.
- 300 b) Analyze the job description to establish screening criteria. These criteria will
- 301 include qualifications listed on the job description determined by the supervisor
- 302 and Area Manager to be essential to the job. [\(T.O.E. WS - 5-6-13\)](#)
- 303 c) Screen verified applications
- 304 d) Recommend a list of applicants to be interviewed.
- 305 2) The HRD Office shall notify screened out applicants within five (5) working days after
- 306 the initial screening and reserve these applications in the general recruiting pool.
- 307 3) The HRD Office will arrange for interviews with the listed candidates.
- 308 g. Candidate Interviews
- 309 1) An Interview Committee will be convened and will consist of the members of the
- 310 Screening Committee except that the HRD Manager will be replaced with a second
- 311 member of the Personnel Selection Committee. The Interview Committee will:
- 312 a) Construct an interview format consisting of:
- 313 i. A set of questions related to the screening criteria qualifications;
- 314 ii. An interview rating scale designed to objectively evaluate each candidate's
- 315 qualifications.
- 316 b) Interview candidates and evaluate each individually
- 317 2) The HRD Manager (or designee) will total the evaluation rating scale to rank order of the
- 318 candidates.
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h. Selection [\(Interpretation - Disqualification of Applicant 10-24-2013\)](#)

- 1) The supervisor shall select one of the top two (2) candidates as ranked through the rating scale. [\(HR Interpretation - 10-17-12\)](#)
 - a) The supervisor may conduct an additional personal interview with the top two (2) candidates.
 - b) The selection decision shall be governed by the Oneida Preference and Indian Preference Policy. [\(HR Interpretation - 6-6-11\)](#)
 - c) The HRD Office will notify the selected candidate and offer the candidate the job within five (5) working days of the selection decision by the supervisor.
 - i. Should the supervisor's first choice refuse the offer, the HRD Office will offer the job to the second ranked candidate.
- 2) Should both of the top two ranked candidates refuse the job offer, the supervisor may:
 - a) Repeat the process outlined in B.2.h.1. above; or
 - b) Re-post the position.
- 3) The HRD Office will notify those candidates interviewed but not selected of the decision to hire the best-qualified candidate.
- 4) All newly hired employees will be listed in the HR newsletter.

C. TRANSFERS AND PROMOTIONS POLICY - The Oneida Tribe encourages transfers and promotions within and among units in order to make the best possible use of human resources to meet Tribal goals and objectives. Supervisors and employees are encouraged to work together to create an environment in which employees constantly strive to improve their skills and abilities and managers constantly seek to provide challenging and rewarding work experiences.

1. Procedure

a. Internal Posting and Bidding

- 1) Open positions as determined by a supervisor and his/her Area Manager will be posted internally for five (5) working days. This internal posting will be concurrent with the external (public) posting of positions.
 - a) Positions will be posted in prominent locations in each Tribal building
- 2) Tribal employees may bid for transfers by notifying their immediate supervisor and submitting an Application Form to the HRD Office.
 - a) The HRD Manager will inform all affected Area Managers of each transfer bid.
- 3) At the end of the five (5) day internal posting period, the HRD Manager will schedule a conference with the open position's supervisor and the Area Manager.
 - a) The conference committee will consist of the supervisor, the Area Manager and the HRD Manager (or designate) acting as this Committee will:
 - i. Establish selection criteria; and
 - ii. Review each bid.
 - b) The Committee may select the best-qualified applicant but is not required to choose an applicant to fill the open position from those employees who have submitted an application for a transfer or promotion.

- 361
- 362 c) If the Committee does not fill the position from the transfer/promotion process,
- 363 the process will continue through the full advertising, screening and interview
- 364 steps.
- 365 i. Any decision will be governed by the Indian Preference Policy.
- 366 4) Employees who are transferred or promoted will not lose any benefits; however:
- 367 a) An employee may be required to continue serving in his/her present position until
- 368 a replacement can be found;
- 369 b) An employee who is transferred to a position lower on the Tribal Job Structure will
- 370 be paid at the grade level corresponding to the new position;
- 371 c) An employee must have completed one year of service to the Tribe before being
- 372 eligible for a promotion or transfer (requests for transfers for documented medical
- 373 conditions will be handled on a case by case basis and only when in the best
- 374 interests of both the employee and the Tribe);
- 375 d) The newly transferred or promoted employee shall be required to complete a three
- 376 (3) month probation period (all conditions of the Tribe's Probation Policy shall
- 377 apply).
- 378 b. Applicant Pool Process
- 379 1) New and vacant positions will be advertised through the Tribal Applicant Pool.
- 380 2) The job description will be sent to persons whose applications are maintained in the
- 381 Applicant Pool.
- 382 a) The Tribal Applicant Pool will consist of open (unspecified) applications from Tribal
- 383 members who wish to be considered for employment by the Tribe.
- 384 b) Advertising through the Tribal Applicant Pool will follow the format and time
- 385 conditions set forth in the Hiring Policy.
- 386 2. Reassignments
- 387 a. Title Reassignments
- 388 1) Title Reassignments may be made by supervisors to:
- 389 a) More accurately describe or define an existing job; or
- 390 b) Make minor adjustments in jobs within a unit or operating division.
- 391 2) Title Reassignments may be made at any time with the approval of the Area Manager
- 392 and HRD Manager.
- 393 b. Job Reassignments
- 394 1) Job Reassignments may be made by supervisors to make more efficient and effective
- 395 use of human resources.
- 396 2) Job Reassignments may be supervisor-initiated or employee-initiated but must be
- 397 made in the best interests of the operating unit.
- 398 3) Job Reassignments may be made at any time with the approval of the Area Manager
- 399 and after a review of each affected job by the Personnel Evaluation Committee.
- 400 c. Interim Job Reassignments [\(Work Standard 7-11-13\)](#)
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D. PROBATION ([Work Standard 1-20-2011](#))

1. The first three (3) months after an employee's starting date shall be considered a period of probation. At the end of six (6) weeks, the employee's performance shall be reviewed with him/her by the supervisor by completing an employee evaluation.
 - a. At the end of the three-month probation period, a second performance evaluation will be conducted. This evaluation will recommend the end of probation and regular status for the employee, an extension of probation, or termination for cause.
2. Status as a Probationary Employee
 - a. Probationary employees will be paid at five percent (5%) below the posted pay rate for the position.
 - 1) New employees hired under a negotiated salary will receive a salary one step below the agreed upon salary during the probationary period.
 - b. Probationary employees will accrue vacation/personal days during the probation period and will receive holiday pay.
 - c. Probationary employees may be terminated for cause at any time during the probation period. Cause must consist of a violation of policies or the documented inability of the employee to perform the duties and responsibilities of the position. This termination is subject to appeal. ([BC Action 3-20-92](#))
3. Completion of Probation Period
 - a. Satisfactory completion of probation will result in the employee receiving the regular salary for the position.
 - b. Employees who are terminated during the probation period will receive credit for accrued vacation/personal days in their final paycheck.
 - c. Extensions of probation periods will not affect accrual of or use of benefits as explained under D.2.

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SECTION IV - COMPENSATION AND BENEFITS

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445

446

A. SALARY

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1. Tribal Job and Salary Structure

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a. An ongoing plan will be instituted based on standard employee grades and step levels to assure that a uniform approach is taken to establish equitable salary and wage levels.

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b. Employee performance evaluations will be a resource in determining whether an employee receives an increase in pay for the upcoming year. An overall satisfactory rating must be attained in order to be granted an increase in pay.

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c. Merit increase shall be granted upon the recommendation of the supervisor, the Area Manager, the HRD Manager and the General Manager.

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2. Workday [\(Work Standard, 10-17-12\)](#)

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a. The regular Tribal workday is from 8:00 a.m. to 4:30 p.m. with an hour for lunch. The exception to these hours occurs only if the program/enterprise hours must vary for the purpose of providing service (such as retail hours beyond 4:30 p.m.). Shifts will be developed as needed, and the shift hours will then become the regular workday for assigned employees for that program/enterprise.

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b. Employees are expected to be at work each scheduled work day.

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1) Employees who do not report for work because of inclement weather or unforeseen circumstances will not be paid for that day. Employees may elect to use personal day(s) to cover this absence. [\(Work Standard, 11-8-12\)](#)

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2) In case of an unavoidable delay or absence, the supervisor must be notified no later than thirty (30) minutes after the scheduled starting time. Employees are encouraged to notify their supervisor before their scheduled starting time.

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i. Employees failing to report to their assigned jobs or failing to call in within the thirty (30) minute time allowed will be subject to disciplinary action.

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ii. Permission to leave early must be obtained by the employee from his/her supervisor.

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3. Overtime

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a. Any and all overtime will be kept to a minimum and must be approved by the Supervisor and Area Manager.

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1) In the case of potential overtime that may occur at night, on holidays or on weekends, supervisors will delegate this authority to a specific employee and outline specific situations and actions that warrant overtime.

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b. All overtime must be reported to the supervisor for evaluation.

478

c. Overtime will be approved only if the program or enterprise budget is capable of paying it.

479

d. Overtime will be approved only for hours worked in excess of forty (40) hours per week.

480

Personal/vacation days and holidays will not count toward the fourth (40) hour requirements.

481

e. Tribal employees are expected to work overtime if required. Time and one-half will be paid for this overtime.

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483

f. Exempt employees are not eligible for overtime.

484

- 485 1) The HRD Office will maintain a list of exempt employees.
- 486 4. Holidays [\(Work Standard, 4-15-11\)](#)
- 487 a. Tribal holidays consist of the following:
- 488 1) One-half day Christmas Eve
- 489 2) Christmas Day
- 490 3) New Year's Day
- 491 4) Memorial Day
- 492 5) Veteran's Day
- 493 6) Independence Day
- 494 7) Labor day
- 495 8) Thanksgiving Day
- 496 9) Indian Day (day after Thanksgiving)
- 497 10) One-half day Good Friday
- 498 11) Code Talker's Day (Oneida Day, Friday prior to Memorial Day)
- 499 [\(BC Resolution – 12-11-13A\)](#)
- 500 b. To be eligible for a paid holiday, employees must work the preceding and following
- 501 scheduled work days (except for employees who are on a prescheduled work leave or an
- 502 approved extended sick leave.) Employees who are granted a sick day directly prior to a
- 503 holiday must certify that they were capable of working the holiday in order to qualify for a
- 504 paid holiday.
- 505 c. All regular employees will be given holiday pay for the maximum pay of eight (8) hours per
- 506 day.
- 507 d. Holidays falling on a Saturday will be observed the preceding Friday; holidays falling on a
- 508 Sunday will be observed on the following Monday. [\(2017 Holiday Observance Calendar\)](#) [\(2016 Holiday Observance](#)
- 509 [Calendar\)](#)
- 510 e. The Oneida Tribe acknowledges its responsibility to make a reasonable accommodation to
- 511 employees who wish time off to observe religious holidays. Requests for such time off will
- 512 be granted where possible, based on the scheduling and staffing needs of affected
- 513 departments. Employees wishing to take time off work for religious observances should
- 514 inform their supervisor as early as possible. Employees may use personal time for such
- 515 requests if eligible; otherwise the time off will be treated as unpaid leave.
- 516 5. Vacation/Personal Days
- 517 a. Every Tribal employee, except temporary employees, shall be allowed personal and vacation
- 518 days with pay to the extent that personal days and vacation are accumulated. Temporary
- 519 employees shall be allowed personal and vacation days in accordance with Section II.C.4.
- 520 [\(GTC Resolution – 7-02-12-A\)](#)
- 521 b. The amount of personal and vacations days shall be determined by continuous service for
- 522 the Tribe. A "lay-off" from tribal employment shall not be considered in interruption in
- 523 continuous service where the lay-off is in accordance with the Tribe's Layoff Policy, nor shall
- 524 a preapproved leave of absence. [\(Accruals Interpretation, 3-6-12\)](#)
- 525 c. Except as provided for in section g, the accrual of personal days shall be as follows:

- 526 [\(BC Resolution, 4-13-11F\)](#)
- 527 1) 0-3 years of service - 6 days per year;
- 528 2) 4-7 years of service - 8 days per year;
- 529 3) 8-14 years of service - 10 days per year;
- 530 4) 15+ years of service - 12 days per year;
- 531 d. Except as provided for in section g, the accrual of vacation days shall be as follows:
- 532 1) 0-3 years of service - 12 days per year
- 533 2) 4-7 years of service - 15 days per year;
- 534 3) 8-15 years of service - 20 days per year;
- 535 4) 15+ years of service - 25 days per year.
- 536 e. Part-time employees accrue personal and vacation days for time actually worked at a ratio
- 537 of a full-time employee.
- 538 f. Service is defined as working for Programs/Enterprises which are contracted by the Tribe of
- 539 specifically sponsored by the Tribe.
- 540 g. Vacation and personal days shall be capped at 280 hrs. [\(BC Resolution, 11-10-10D\)](#) An employee
- 541 shall cease to accrue vacation and personal hours when he or she has reached 280 total
- 542 hours. Supervisors shall notify their employees when said employees have accumulated 200
- 543 total hours of vacation and personal time.
- 544 1) An employee may trade back accumulated vacation and personal hours in accordance
- 545 with Section IV.A.5.n. below. [\(GTC Resolution – 5-23-11-B\)](#)
- 546 h. Upon termination from Tribal employment, employees will be paid for any unused personal
- 547 and/or vacation days.
- 548 1) Employees who have used the Tribally-sponsored loan program will be required to
- 549 honor the terms of the loan agreement.
- 550 i. Personal Days can be used for any reason so long as the request is approved by the
- 551 employee's supervisor at least twenty-four (24) hours in advance (unless the absence is due
- 552 to illness or unforeseen circumstances).
- 553 1) In the case of illness or unforeseen circumstance, the supervisor shall be notified no
- 554 later than fifteen (15) minutes before the scheduled starting time.
- 555 2) Programs and enterprises may institute stricter standards of notification. These
- 556 standards will be submitted to and approved by the Personnel Department.
- 557 j. An employee shall notify his/her supervisor of an intent to use personal days in the
- 558 following ways:
- 559 1) Three (3) to five (5) days - one (1) week advance notification
- 560 2) Six (6) days or more - two (2) weeks advance notification.
- 561 k. An employee shall notify his/her supervisor one (1) day in advance if he/she will take off one
- 562 (1) or two (2) days of vacation. Programs and enterprises may institute stricter standards of
- 563 notification.
- 564 1) Three (3) to five (5) days of vacation require a one (1) week advance notification.
- 565 2) Six (6) or more days of vacation require at least two (2) weeks advance notification.
- 566 l. The burden shall be on the supervisor to show that a denial of a personal day or a vacation

- 567 day is based upon interference with the business of the Tribe.
- 568 m. Personal or Vacation Days cannot be taken when an employee is on probation.
- 569 n. Trade-back for Cash - Each fiscal year, the Oneida Business Committee shall analyze fiscal
570 conditions to determine whether employees may trade back personal and/or vacation hours
571 for cash that fiscal year. [\(Work Standard, 10-11-11\)](#)
- 572 1) If the Oneida Business Committee approves trade-back for cash, they shall also
573 determine whether (a) and/or (b) applies:
- 574 i. All employees will have the opportunity to trade-back hours one time that year.
- 575 1. By August 15, each employee who has accumulated twenty-four (24) hours
576 or more of vacation and/or personal days may opt to trade in his/her hours
577 for cash.
- 578 2. Employees will receive their trade back on or before September 30 of that
579 year.
- 580 ii. Only those employees who are unable to utilize their personal and/or vacation time
581 due to working conditions, such as a shortage in staffing, as determined by the HRD
582 Manager or designee, will have the opportunity to trade back hours on a quarterly
583 basis.
- 584 1. Employees will receive their trade back within sixty (60) days after opting to
585 trade back hours.
- 586 2) When trade-back for cash is approved by the Oneida Business Committee, the following
587 standards shall apply:
- 588 i. Employees must decide which status (vacation or personal or both) from which their
589 trade-back will be drawn.
- 590 ii. Employees may not trade for cash more than eighty (80) hours in one year.
591 [\(GTC Resolution 5-23-11-B\)](#)
- 592 o. Additional Duties Compensation
- 593 p. Travel Time Compensation [\(Work Standard - 3-20-13\)](#)
- 594
- 595 B. INSURANCES [\(see separate publication\)](#) for information on Tribal Insurance plans.
596 [\(Separating Employees WS 5-6-13\)](#)
- 597 C. RETIREMENT PLAN [\(See separate publication for information on Tribal Retirement Plan\).](#)
- 598 D. LEAVES
- 599 1. Meeting Attendance
- 600 a. Approval for attending any meetings inside normal working hours must be approved in
601 advance by the employee's immediate supervisor. [\(BC Action, 5-16-89\)](#)
- 602 b. Employees who receive stipends or honoraria in excess of \$50.00 for attending meetings
603 during working hours will forfeit the amount in excess of \$50.00 from their regular
604 paycheck. Stipends for travel or per diem will not be deducted if accompanied by receipts
605 for such expenses.
- 606 c. Stipends or honoraria for intra-tribal meetings during normal working hours will results in
607 the employee's paycheck being reduced by the full amount of the stipend.

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2. Funeral Leave [\(Work Standard, 8-2-11\)](#)

610

- a. All regular employees will be given a three (3) day leave without loss of pay for funeral services for immediate family. Immediate family includes:

611

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Husband Mother Brother great-grandparent

613

Wife Father Sister great-grandchildren

614

Mother-in-law Son Grandparent Spouse's great-grandparents

615

Father-in-law Daughter Grandchild Spouse's grandparents

616

Daughter-in-law Sister-in-law Brother-in-law

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- b. Three (3) day leave for other persons will be given only if the employee is responsible for making funeral arrangements, subject to prior approval of supervisor.

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619

- c. All other funeral leave will be limited to no more than one (1) day with pay subject to the notification and approval of the immediate supervisor. [\(Management Directive, 12-17-2009\)](#)

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3. Leave of Absence [\(Work Standard, 6-10-14\)](#)

622

- a. A leave of absence without pay may be granted to employees for a justifiable reason (including caring for a child, spouse or parent with a serious health condition) and when in the best interest of the Tribe.

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624

625

- 1) Leaves of absence will not exceed three (3) months.

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- i. All leaves of absence must be approved by the supervisor, Area Manager, HRD Manager and General Manager. [\(HR Interpretation, 12-8-16\)](#)

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- ii. Requests must be documented and submitted to the supervisor with as much advance notice as possible.

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- iii. Disposition of requests will be made on the basis of staffing requirements.

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- 2) Upon returning, the employee will be reinstated in the former position with full status and benefits. Holiday, vacation, and sick leave will not be accrued during the leave of absence.

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- 3) No later than fifteen (15) working days prior to the expiration of the leave period the employee must give notice in writing of his/her intent to return to the position. Notice must be presented to the supervisor.

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- i. Failure to provide written notice will be interpreted to mean that the employee does not intend to return following the leave. The position will be posted and filled through the selection process. [\(HR Interpretation 11-21-11\)](#)

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4. Maternity Leave

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- a. Maternity leave will be granted for a period of six (6) weeks without pay.

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- 1) An employee may elect to cover any portion of this time by using accumulated sick days.

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- 2) Any maternity-related absences for longer than six (6) weeks must be taken as a medical leave of absence.

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645

5. Military Leave

646

- a. In addition to the following provisions, the Tribe's Military Service Protection Act shall govern Military Leave.

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- 649
- 650 b. A Military Leave of Absence is afforded employees entering active duty without
- 651 accumulation of holiday, vacation or personal time during the period of leave. Any
- 652 accumulated benefits prior to leave will be maintained for the employee.
- 653 c. Time off for inactive duty training, examinations to determine fitness for duty and funeral
- 654 honors duty shall be afforded to employees without the accumulation or loss of holiday,
- 655 vacation or personal time. An employee will receive pay from the Tribe for any hours work
- 656 that the employee was required to miss due to reservist training.
- 657 1) Any pay received for performing any of the above duties shall be deducted from the
- 658 employee's pay. [\(GTC Resolution - 1-26-08A\)](#)
- 659 6. Jury Duty
- 660 a. During a period of jury duty, an employee will receive pay from the Tribe for any hours of
- 661 work missed due to jury duty.
- 662 1) Jury duty pay will be deducted from the employee's paycheck when determining the
- 663 amount of pay
- 664 2) No overtime will be allowed in determining employee pay while serving on jury duty.
- 665 7. Educational Leave [\(BC Action, 5-4-90\)](#)
- 666 a. A leave of absence for education purposes will not exceed one (1) year.
- 667 8. Parent Policy Leave [\(BC Action, 3-2-94A\)](#)
- 668 a. Employees who are parents, guardians, or those individuals specifically referred to as
- 669 "immediate family" as defined in Section IV, page 6 of these Personnel Policies and
- 670 Procedures which includes husband, wife, mother, father, brother, sister, son, daughter,
- 671 mother-in-law, father-in-law, grandparent and grandchild may request to participate in their
- 672 child(ren)'s educationally sanctioned events not to exceed four (4) hours per employee per
- 673 month
- 674 1) These four (4) hours shall not accumulate.
- 675 b. Approval to utilize the four (4) hours must be obtained from the supervisor.
- 676 1) An employee shall request his/her supervisor to utilize this leave with a minimum of
- 677 twenty-four (24) hours' notice.
- 678 2) The Supervisor may request verification of
- 679 i. Guardianship of the child(ren) and/or
- 680 ii. The attendance of the employee at their child(ren)'s educationally sanctioned -
- 681 event.
- 682 c. The burden shall be on the supervisor to show that a denial of the Parent Policy Leave which
- 683 is based upon interference with the business of the Tribe.
- 684 d. This leave shall not be paid as overtime. The supervisor may have the option to use flex time
- 685 to cover this time off to attend their child(ren)'s educationally sanctioned events.
- 686 e. All employees, except Emergency/Temporary, Youth Workers, Student Interns, and Seasonal
- 687 Workers during their first season, and Substitute Reliefs are eligible to participate in this
- 688 benefit.
- 689

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691 SECTION V – EMPLOYEE RELATIONS

692

693 A. ORIENTATION POLICY

694 The Oneida Tribe reflects the unique culture and character of the Oneida Nation. The Tribe recognizes
695 that this may present special problems and difficulties for a new employee. The Tribe therefore
696 provides an Orientation Program designed to ease the new employee’s transition into a job and enable
697 the new employee to become effective and productive as quickly as possible.

698 1. Orientation Program Outline**699 a. Overview****700 b. Tribal Government and Procedures****701 c. Key Policies and Procedures****702 d. Benefits****703 e. Safety, Health and Security****704 f. Departmental Orientation****705 2. Responsibilities****706 a. The HRD Office will administer the General Orientation Program****707 1) The HRD Office will assist Divisions in administering Departmental Orientation**
708 Programs.**709 b. The HRD Office will develop and establish an Employee Mentor Program with each Division.****710 1) Employee Mentors will be responsible for conducting the Departmental Orientation.****711 2) Employee Mentors will assist new employees throughout their probation period as a**
712 source of references and referrals.**713 c. The HRD Office will annually review the General Orientation Program and each**
714 Departmental Orientation Program to:**715 1) Evaluate the effectiveness of each Program,****716 2) Modify programs as necessary.****717 3) Requirements****718 a) The HRD Office will provide a copy of the Employee Policy and Procedures Manual**
719 to new employees before (if possible) the scheduled starting date.**720 b) The General Orientation Program will be completed in appropriate stages within the**
721 first month of the new employee’s starting date.**722 i. The Departmental Orientation will be completed within the first week of the**
723 starting date.**724 c) The HRD Office will administer a NEW Employee Reporting Form to provide**
725 information for the purposes of maintaining a Tribal wide skills assessment
726 inventory and a management succession plan.**727 B. EVALUATIONS****728 1. Evaluation reports will be used in determining all promotions, transfers and salary adjustments.****729 2. Annual evaluation reports for each employee will be submitted to the HRD Office by August 1 of**
730 each year. [\(Work Standard – 6-4-14\)](#)

- 731 a. Evaluation reports will be retained in each employee’s personnel file.
732 3. All Tribal employees will be evaluated at least once a year.
733 a. Employee performance evaluations will be conducted by each employee’s immediate
734 supervisor. The Business Committee will conduct the performance evaluation of the
735 General Manager. [\(HR Interpretation – 12-8-16\)](#)
736 b. The supervisor will discuss the evaluation with each employee. The evaluation will then be
737 signed by the employee and the supervisor and forwarded to the HRD Office.
738 4. Satisfactory evaluations may result in the employee receiving an increase in pay within their
739 grade level provided that the employee has not attained the highest step within the grade.
740 a. Unsatisfactory evaluations will result in probation status for the employee. The supervisor
741 shall provide documentation to the Area Manager and to the employee detailing the
742 deficiency(s). A repeat evaluation will be conducted three (3) months after the
743 unsatisfactory evaluation. This second evaluation will result in the employee:
744 1) Being removed from probation and receiving a salary increase if the second evaluation
745 results in an overall satisfactory rating; or
746 2) Receiving appropriate disciplinary actions if the second evaluation also results in an
747 unsatisfactory rating.
748 b. Employees may appeal unsatisfactory evaluations to the HRD Manager. The HRD Manager
749 will consult with the supervisor and the employee to negotiate an appropriate resolution
750 [\(Work Standard 6-21-11\)](#)
- 751 C. CAREER DEVELOPMENT
- 752 1. Tribal employees are encouraged to develop their skills and abilities by pursuing education at a
753 local educational institution. [\(BC Action – 9-9-92\)](#)
754 a. Tribal employees must provide a general Career Development Plan to the supervisor listing
755 the goals and objectives of the training and education to be undertaken.
756 2. Tribal employees may be eligible for assistance for one (1) course per semester. The employee
757 must attempt to arrange to take the class outside his/her normal working hours.
758 a. Where a class conflicts with the employee’s work schedule, the needs of the Tribal unit take
759 precedence; however, the supervisor shall attempt to accommodate the employee’s
760 request.
761 b. In no case shall the accommodation exceed actual class hours plus reasonable travel time.
762 c. Employees must obtain the approval of their immediate supervisor to take a course on
763 Tribal time.
764 3. The supervisor’s approval and estimated cost must be submitted to the HRD Office, the Area
765 Manager and the General Manager. [\(HR Interpretation – 12-8-16\)](#)
766 4. The cost of the books, tuition and fees for the course shall be paid by the Tribe through funds
767 budgeted in programs or through the Higher Education program.
768 a. Reimbursement for books, tuition and fees is contingent upon the employee receiving at
769 least a C (2.0 on a 4.0 point scale).
770 b. Employees who receive less than the required grade point will be required to reimburse the
771 program for whatever costs were incurred.

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773 D. COMPLAINTS, DISCIPLINARY ACTIONS, AND GRIEVANCES

774 Disciplinary procedures provide a systematic process for handling problem employees.

775 [\(Work Standard – 5-6-13\)](#) Disciplinary procedures serve to correct unacceptable behavior and to protect the

776 Tribe. Grievance procedures provide a systematic process for hearing and evaluating job related

777 disputes. Grievance procedures serve to protect employees from inconsistent and unfair treatment.

778 In all cases of grievance and discipline, supervisors are enjoined to use common sense, discretion

779 and judicious good sense to resolve complaints between employees, exercise disciplinary

780 prerogatives, and handle grievances.

781 [\(HR Interpretation – 2-4-13\)](#) [\(HR Interpretation - 1-29-14\)](#)

782 1. Complaints

783 a. Should an employee have a disagreement with another employee, he/she may lodge an
784 informal (verbal) or formal (written) complaint with the employee's supervisor.

785 b. The supervisor will investigate the complaint and attempt to resolve the disagreement.

786 c. If the employee lodging the complaint is dissatisfied with the attempted resolution, he/she
787 may ask the Area Manager to attempt a resolution.

788 d. There is no further appeal of this process.

789 2. Disciplinary Actions

790 a. Disciplinary actions will be initiated by an immediate supervisor for the purpose of
791 correcting unacceptable work performance. The supervisor will always discuss the action
792 with the employee being disciplined to ensure that the employee:

793 1) Understands the reason for the disciplinary action;

794 2) Understands the expected work performance in light of the disciplinary action;

795 3) Understands the consequences of continued unacceptable behavior.

796 b. A supervisor shall initiate disciplinary actions commensurate with the seriousness of the
797 unsatisfactory performance. A supervisor must consider each disciplinary action in
798 progressive order and justify a deviance from that recommended progression.799 c. The actions listed below are examples of unacceptable work performance and do not
800 constitute a comprehensive or exhaustive list. The actions in parentheses are guidelines for
801 a supervisor to use in administering disciplinary actions. (W = written warning; S =
802 suspension; T = termination):

803 1) Work Performance

804 a) Insubordination (including disobedience) or failure/refusal to carry out assignments
805 or instructions. (W/S/T)

806 b) Loafing, loitering, sleeping or engaging in personal business. (W/S/T)

807 c) Unauthorized disclosure of confidential information or records. (S/T)

808 d) Falsifying records or giving false information to departments and/or employees
809 responsible for Recordkeeping. (S/T)810 e) Failure to provide accurate and complete information where such information is
811 required by an authorized person. (S/T)

812 f) Failure to comply with health, safety and sanitation requirements, rules and

- 813 regulations. (W/S/T)
- 814 g) Negligence in the performance of assigned duties. (W/S/T)
- 815 2) Attendance and Punctuality
- 816 a) Failure to report promptly and observe work schedules (such as starting time,
817 quitting time, rest and meal breaks) without the specific approval of the supervisor.
818 (W/S/T)
- 819 b) A pattern of unexcused or excessive absenteeism and/or tardiness. (W/S/T)
- 820 3) Use of Property
- 821 a) Unauthorized or improper use of Tribal property or equipment (for example, Tribal
822 vehicles, telephone, mail services, etc.) (W/S/T)
- 823 b) Unauthorized possession, removal or willful destruction of Tribal or another
824 employee's property (including improper use of possession of uniforms,
825 identification cards, badges, permits or weapons). (Willful destruction of property
826 may subject the violator to applicable liability laws.) (T)
- 827 c) Unauthorized use, lending, borrowing or duplicating of Tribal keys. (T)
- 828 d) Unauthorized entry of Tribal property, including unauthorized entry outside of
829 assigned hours of work or entry into restricted areas without prior supervisory
830 approval. (S/T)
- 831 e) Theft or property shall include theft, embezzlement, cheating, defrauding, pilfering,
832 robbery, extortion, racketeering, swindling or any of these actions, or conspiracy to
833 commit such actions with Tribal employees or other persons against the Tribe, its
834 guests, employee, members, customers and/or clients while on or about Tribal
835 premises. (S/T) [\(BC Action – 12-2-88\)](#)
- 836 4) Personal Actions and Appearance
- 837 a) Threatening, attempting, or doing bodily harm to another person. (T)
- 838 b) Intimidating, interfering with or using abusive language toward customers, clients,
839 co-workers or others. (S/T)
- 840 c) Making false or malicious statements concerning other employees, supervisors or
841 program heads. (W/S/T)
- 842 d) Use of alcohol or illegal controlled substances during work hours. (S/T)
843 [\(GTC Resolution – 01-05-09A\)](#)
- 844 e) Reporting for work under the influence of alcohol or illegal controlled substances.
845 (S/T) [\(GTC Resolution – 01-05-09A\)](#)
- 846 f) Failure to immediately report any work-related injuries to the immediate supervisor.
847 (W/S)
- 848 g) Direct involvement in political campaigning during scheduled work hours. Violations
849 include:
- 850 i. Use of Tribal employment title in Tribal campaign activities. (W/S/T)
- 851 1. Political materials include: leaflets, brochures, etc. which solicit support for
852 candidates for office.
- 853 2. Resolutions or petitions which propose that a political action be initiated.

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3. Leaflets, newsletters, or other written materials the purpose of which is to espouse political views or opinions.
 - h) The acceptance of gifts or gratuities for personal gain in the course of official duties. (Customers are allowed to tip Bingo workers, Oneida Tobacco Enterprise workers, and Museum Workers.) (W/S/T)
 - i) Inappropriate dress or personal hygiene which adversely affects the proper performance of duties or constitutes a health or safety hazard. (W/S)
 - j) Failure to exercise proper judgment. (W/S/T)
 - k) Failure to be courteous in dealing with fellow employees or the general public. (W/S/T)
 - l) Any of the following acts by employees: Arson, bribery, perjury, obstruction or interference with an investigation authorized by the Oneida Tribe. (S/T)
[\(BC Action – 12-2-88\)](#)
 - m) The use, possession, selling or purchasing of, or attempt to sell or purchase alcohol, and/or controlled substances on or about Tribal premises. (S/T)
[\(BC Action – 12-2-88\)](#)
 - n) Any violation of duly adopted Tribal ordinances. (W/S/T) [\(BC Action – 12-2-88\)](#)
- 5) Sexual Harassment Policy

It is the Oneida Tribe’s Policy that all employees have a right to work in an environment free of discrimination which includes freedom from harassment, more specifically sexual harassment. The Oneida Tribe considers sexual harassment, in whatever form, in the workplace to be a serious violation of an individual’s dignity and personal rights. In all matters, where complaint of sexual harassment is lodged against an employee, the Oneida Tribe has a duty and obligation to conduct a thorough investigation using discretion, good judgment and the principles and practice of strict confidentiality. If sexual harassment has been committed, the progressive disciplinary process is as follows (W/S/T).

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submissions to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

- a) Sexual Harassment (W/S/T)
 - i. Procedure
 - a. Should an employee have a complaint, he/she should file a formal (written) complaint with the Human Resources Department.

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- b. The Human Resources Department is obligated to investigate the complaint which is to be held in the strictest confidence. This investigation shall be done within five (5) working days from receiving the formal written complaint.
 - c. After investigating the complaint and the Human Resources Department finds cause to take disciplinary action due to sexual harassment violation, the employee will be disciplined accordingly by their supervisor. This disciplinary action shall be initiated within five (5) working days from the date the supervisor receives the report from the Human Resource Department. [\(BC Actions – 7-16-93\)](#)
3. Accumulated Disciplinary Actions Warranting Termination [\(HR Interpretation – 1-29-14\)](#) (Provided that the Drug and Alcohol Free Workplace Policy shall govern disciplinary actions warranting termination for drug and alcohol related violations.) [\(GTC Resolution – 01-05-09A\)](#)
- a. The accumulation of three (3) upheld warning notices within any twelve (12) month period. (T)
 - b. The accumulation of two (2) upheld suspensions within any twelve (12) month period. (T)
 - c. The accumulation of three (3) of any combination of upheld warning notices and/or upheld suspensions within any twelve (12) month period. (T)
4. Substance Abuse Disciplinary Procedure - Section was deleted. [\(GTC Resolution – 01-05-09-A\)](#)
[Click here](#) for Drug and Alcohol Free Workplace Policy.
5. Disciplinary Procedure [\(Disciplinary Flowchart\)](#)
- The following procedure shall be adhered to whenever disciplinary action is taken.
- a. Supervisor becomes aware of unsatisfactory work performance or violation.
 - 1) Supervisor investigates through a meeting with the employees and determines whether disciplinary action is warranted.
 - b. If disciplinary action is warranted, within five (5) working days the supervisor will fill out the five (5) part disciplinary action form stating the behavior for which the action is being taken, the time and date of its occurrence, and the specific policy section under which action is being taken.
 - c. The form will be discussed with the employee and a corrective action will be identified.
 - d. The employee being disciplined will sign the form.
 - 1) Should an employee being disciplined refuse to discuss the action with his/her supervisor, the supervisor shall so note this, with date of refusal, on the form and distribute as in 5.e.
 - e. Copies will be given to the employee, the HRD Manager, the supervisor, the Area Manager and General Manager within twenty-four (24) hours of the conference with the employee. [\(HR Interpretation – 12-8-16\)](#)
 - f. Should a disciplinary action result in the suspension or termination of an employee, the following guidelines shall apply:
 - 1) The supervisor shall consult with the HRD Manager to mutually determine the length of

- 936 the suspension.
- 937 a) Suspensions will be limited to a maximum of three (3) weeks.
- 938 b) Suspension/terminations that are overturned in the appeal process shall result in
- 939 the employee receiving back pay for the days he/she was suspended/terminated.
- 940 6. Grievance [\(Grievance Flowchart\)](#)
- 941 An employee who receives a disciplinary action which he/she believes is unfair may grieve the
- 942 action. The Grievance process (including appeals of disciplinary action) shall be conducted with
- 943 utmost consideration for due process (within the time limits set forth herein) but will allow and
- 944 account for recognized Tribal holidays and unforeseen circumstances (such as illnesses, deaths
- 945 in the immediate family of principals, etc.). The HRD office will make every attempt to ensure
- 946 that grievance procedures are concluded within forty-five (45) working days; however,
- 947 extensions granted for reasonable unforeseen circumstances (as determined by the HRD
- 948 Manager) may extend the process. The Grievance process will be governed by the following
- 949 guidelines: [\(HR Interpretation – 8-19-2011\)](#) [\(HR Interpretation – 1-29-2014\)](#)
- 950 a. For all disciplinary actions, regardless of severity:
- 951 1) The employee (petitioner) must file an appeal in writing.
- 952 a) The employee may seek the assistance of a spokesperson or advocate at any time
- 953 after the disciplinary action has been issued in order to aid in the resolution of the
- 954 grievance process.
- 955 b) The appeal must be filed with the Area Manager and the HRD Manager (or
- 956 designee) within ten (10) working days from the day the employee receives the
- 957 disciplinary action.
- 958 2) The Area Manager, for all disciplinary action investigations, will have ten (10) working
- 959 days from the receipt of the employee’s appeal to complete the investigation. One
- 960 extension of no more than five (5) working days may be requested of and granted by the
- 961 HRD Manager (or designee) at his or her discretion.
- 962 3) The Area Manager will do one of the following:
- 963 a) Uphold the disciplinary action; or
- 964 b) Modify the disciplinary action; or
- 965 c) Overturn the disciplinary action. If a suspension or termination is overturned, the
- 966 employee (petitioner) shall be reinstated with full back pay.
- 967 4) The Area Manager will file a decision with the employee and the HRD Manager (or
- 968 designee) and will include a reason for the decision, an explanation of the decision and
- 969 the action to be taken as a result of it.
- 970 b. The employee may appeal the Area Manager’s decision to the Judiciary – Trial Court. The
- 971 appeal must be filed with the Judiciary – Trial Court within ten (10) working days from
- 972 employee’s receipt of the Area Manager’s decision. Upon receipt of the appeal the Judiciary
- 973 – Trial Court shall, within one business day, notify the HRD Manager (or designee) that an
- 974 appeal has been filed by the employee. [\(GTC Resolution – 2-28-04A\)](#)
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- 978 1) Copies of all information of the subject case upon which the disciplinary action was
- 979 upheld by the Area Manager will be hand delivered to the Judiciary – Trial Court. The
- 980 Judiciary – Trial Court will hear an appeal only if one or both of the following conditions
- 981 exist:
- 982 a) The decision of the Area Manager is clearly against the weight of the evidence
- 983 and/or
- 984 b) Procedural irregularities were exhibited during the appeal process that may have
- 985 been harmful to one of the parties to the grievance.
- 986 2) If one or both of the above conditions are present, the Judiciary – Trial Court will hear
- 987 the grievance.
- 988 a) If neither of the above conditions is present, the P Judiciary – Trial Court will deny
- 989 the appeal for a hearing and affirm the decision of the Area Manager.
- 990 3) At least five (5) working days prior to the hearing date, the petitioner, and respondent
- 991 will receive notification of the hearing date.
- 992 4) Copies of all information on the subject case upon which the disciplinary action was
- 993 upheld will be hand-delivered to the Judiciary – Trial Court at least two (2) working days
- 994 prior to the appeal date. The petitioner and respondent will have access to this
- 995 information in the HRD Office at least two (2) days prior to the appeal date.
- 996 a) If new evidence which was previously unavailable is introduced at any point during
- 997 the Judiciary – Trial Court appeal process, the Judiciary – Trial Court hearing will be
- 998 suspended and the case will be remanded to the Area Manager for reconsideration.
- 999 i. The Area Manager will reconsider his/her decision in light of the new evidence
- 1000 and issue a decision within three (3) working days.
- 1001 ii. This procedure may be invoked only once. Thereafter, the appeal process will
- 1002 continue to a conclusion based on the information originally presented and the
- 1003 newly introduced evidence.
- 1004 5) The petitioner shall have the right to be represented by an advocate if he/she so
- 1005 chooses. The expenses of the advocate shall be the total responsibility of the petitioner.
- 1006 The respondent and/or area manager who is party to the grievance action shall have
- 1007 access to an advocate for consultation and/or representation. Should the petitioner
- 1008 engage outside professional legal representation, the respondent and/or area manager
- 1009 shall have access to professional legal representation.
- 1010 a) Should the petitioner and his/her representative both fail to appear for any
- 1011 scheduled hearing without justifiable cause, the decision of the Area Manager shall
- 1012 be upheld and the grievance dismissed.
- 1013 Should the respondent and his/her representative both fail to appear for any
- 1014 scheduled hearing without justifiable cause, the decision of the Area Manager shall
- 1015 be overturned.
- 1016 6) The decision of the Judiciary – Trial Court shall be based solely on the information
- 1017 presented to them before the appeal hearing, the record of the prior proceedings and

- 1018 any new evidence (if introduced appropriately through the provisions of 6.b.4.a. above).
1019 7) The decision of the Judiciary – Trial Court shall be final. The Judiciary – Trial Court may:
1020 a) Uphold the disciplinary action; or
1021 b) Overturn the disciplinary action and:
1022 i. Reinstatement the employee (petitioner) with full back pay for any lost time;
1023 ii. Reinstatement the employee (petitioner) without back pay.
1024 8) The petitioner and respondent have a right to a speedy hearing and decision; therefore,
1025 notification of the final decision will be made within five (5) working days following the
1026 hearing.
1027 a) Notification of the final decision will include:
1028 i. The final decision;
1029 ii. The reason(s) for the final decision; and
1030 iii. The action to be taken as a result of the final decision.
1031 9) The HRD Office shall:
1032 a) Keep all records of the hearing;
1033 b) Provide copies of administrative advocacy rules, procedural rules, and time line
1034 rules to interested parties.

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SECTION VI – SAFETY AND HEALTH

A. POLICY

1054 The personal safety and health of each employee, customer and client of the Oneida Tribe is of primary

1055 importance. The prevention of injuries and illnesses is of such importance that it will take precedence
1056 over operating productivity whenever necessary.

1057

1058 The Oneida Tribe will maintain a safety and health program conforming to the best practices available.
1059 To be successful, this program will work to develop the proper attitudes toward on-the-job injury and
1060 illness prevention on the part of supervisors and employees. This program will strive to develop a high
1061 level of cooperation in all safety and health matters between supervisors and employees and among
1062 employees.

1063

1064 The objective of this program is a safe and healthy environment that will reduce the number of job-
1065 related injuries and illnesses to an absolute minimum. The Tribe's goal is zero
1066 accidents and illnesses.

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1068 B. PROCEDURES

1069 The Tribal Safety Committee will adopt and enforce through the Personnel Department
1070 procedures related to the education of the Tribal work force in matters of safety and health.
1071 These procedures will include all education and prevention activities, assessments and
1072 evaluations, and reporting.

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1090 **SECTION VII – PROGRAM/ENTERPRISE RULES & REGULATIONS**

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1092 A. Enterprises and programs may establish internal rules and regulations to facilitate the
1093 administration of Tribal Personnel Policies and Procedures.

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- 1095 1. In no case will these internal rules and/or regulations conflict with or take the
- 1096 place of Tribal Personnel Policies and Procedures.
- 1097 2. Enterprises and programs which establish internal rules and regulations will
- 1098 file a copy of the rules and regulations with the Personnel Department.

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SECTION VIII – RECORD KEEPING

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- 1126 A. PERSONNEL OFFICE
- 1127 1. Basic records to be retained include:
- 1128 a. Reference Data
- 1129 b. Job Descriptions

- 1130 c. Resumes and Applications
1131 d. Interview notes/selection information
1132 e. Resignations
1133 f. Employee tax exemption claims
1134 g. Disciplinary action information
1135 h. Performance evaluations
1136 i. Insurance coverage/changes
1137 j. Transfers
1138
- 1139 2. The Personnel Office shall keep and maintain a complete record of each employee
1140 throughout his/her term of employment.
1141 a. Tribal employees shall have access to their employment file.
1142 b. Employment files kept by the Personnel Office shall be considered confidential
1143 information. Release of any information to a third party must have the consent
1144 of the employee in writing.
- 1145 B. ACCOUNTING DEPARTMENT
- 1146 1. Basic records to be retained include:
1147 a. Attendance records
1148 b. Employee Time Sheets
1149 c. Earnings - in the form of computer printouts
1150 d. Travel - in the form of complete travel authorization forms.
1151 1) Time sheets and travel reports shall be filled out by every employee for pay
1152 period, collected by the program head, and forwarded to the Department.
- 1153 2. The Accounting Department shall retain all records for a period of seven (7)
1154 years. [\(Archived 29, October 2010\)](#) [\(BC Action, 10-14-09B\)](#)
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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Consider adoption of Resolution: Employee Protection Policy Emergency Amendments

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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: April 20, 2018
 RE: Employee Protection Policy Emergency Amendments

Please find the following attached backup documentation for your consideration of the Employee Protection Policy Emergency Amendments:

1. Resolution: Employee Protection Policy Emergency Amendments
2. Statement of Effect: Employee Protection Policy Emergency Amendments
3. Employee Protection Policy Emergency Amendments Legislative Analysis
4. Employee Protection Policy (Redline)
5. Employee Protection Policy (Clean)

Overview

Emergency amendments to the Employee Protection Policy (the “Policy”) are requested in order to address the dissolution of the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary – Trial Court.

The Oneida Business Committee can temporarily enact legislation when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and when the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act. A fiscal impact statement and public meeting are not required for emergency legislation. *[1 O.C. 109.9-5]*.

The emergency amendments to this Policy are necessary for the preservation of the general welfare of the reservation population, in an effort to ensure that employees of the Nation have due process rights in the absence of the Personnel Commission. Additionally, observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest.

The emergency amendments to the Policy will become effective immediately upon adoption by the Oneida Business Committee, and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. *[1 O.C. 109.9-5(b)]*.

Requested Action

Approve the Resolution: Employee Protection Policy Emergency Amendments.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____
Employee Protection Policy Emergency Amendments

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Employee Protection Policy (“the Policy”) was adopted by the Oneida Business Committee on an emergency basis through resolution BC-04-20-95-B, and then on a permanent basis through resolution BC-12-06-95-B, and then amended by resolution BC-01-20-99-B, BC-06-30-04-J, and BC-02-25-15-C; and

WHEREAS, the Policy provides protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other detrimental effects; and

WHEREAS, the Policy currently states that the Personnel Commission is an appropriate agency to be delegated the authority to receive disclosures, and references the Personnel Commission’s employee grievance and disciplinary action hearing authority; and

WHEREAS, the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and

WHEREAS, resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and

WHEREAS, resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and

WHEREAS, the emergency amendments to the Policy replace any reference to the Personnel Commission with a reference to the Trial Court, and provides a definition for Trial Court; and

43 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
44 legislation on an emergency basis, to be in effect for a period of six (6) months,
45 renewable for an additional six (6) months; and
46

47 **WHEREAS,** the emergency adoption of these amendments to the Policy are necessary for the
48 preservation of the public health, safety, or general welfare of the reservation population
49 in order to ensure that the general welfare and due process rights of employees of the
50 Nation are preserved in absence of the Personnel Commission; and
51

52 **WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for
53 adoption of this amendment would be contrary to public interest; and
54

55 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact
56 statement when considering emergency legislation.
57

58 **NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Employee Protection
59 Policy are hereby adopted on an emergency basis and shall become effective immediately.



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



Statement of Effect

Employee Protection Policy Emergency Amendments

Summary

This Resolution adopts emergency amendments to the Employee Protection Policy (the “Policy”) which would replace any reference to the Personnel Commission with a reference to the Trial Court, and provides a definition for Trial Court.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 20, 2018

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Employee Protection Policy (“the Policy”). The Law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-04-20-95-B, and then on a permanent basis through resolution BC-12-06-95-B, and then amended by resolution BC-01-20-99-B, BC-06-30-04-J, and BC-02-25-15-C. The Policy provides protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other detrimental effects.

Currently, the Policy states that the Personnel Commission is an appropriate agency to be delegated the authority to receive disclosures, and references the Personnel Commission’s employee grievance and disciplinary action hearing authority.

On April 11, 2018, the Oneida Business Committee dissolved the Personnel Commission through resolution BC-04-11-18-A for the purpose of consolidating employment related grievance hearings into the Judiciary in an effort to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation. The Oneida Business Committee felt it was now appropriate to begin consolidating employment related grievance hearings into the Judiciary as the number of current cases in the Personnel Commission was low and the costs of maintaining judicial hearing authorities continues to increase.

Oneida Business Committee resolution BC-04-11-18-A also requires that the Legislative Operating Committee develop and present emergency legislative amendments to fully address the impact of this resolution to the next Oneida Business Committee meeting. This resolution states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority.

The emergency amendments to the Policy replace any reference to the Personnel Commission with a reference to the Trial Court, and also provide a definition for Trial Court.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is “necessary for the immediate preservation of the public health, safety or general welfare of the reservation population” and when “enactment or amendment of legislation is required sooner than would be possible under the Legislative Procedures Act.” [1 O.C. 109.9-5].

The emergency amendments to this Policy are necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved in the absence of the Personnel Commission. Additionally, observance of the adoption requirements under the LPA for adoption of this amendment would be contrary to public interest. Through the resolution BC-04-11-18-A, the Oneida Business Committee has issued a finding of an emergency and has stated the necessity for approving emergency amendments to this Policy.

The emergency amendments to the Employee Protection Policy will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

Adoption of this Resolution would not conflict with any of the Nation’s laws.



Emergency Amendments to Employee Protection Policy Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: OBC	SPONSOR: David Jordan	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	The intent of the amendments is to transfer the Personnel Commission's responsibilities under this law to the Oneida Judiciary Trial Court.		
Purpose	The purpose of the Employee Protection Policy is to give protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft, or other detrimental effects <i>[see Employee Protection Policy 211.1-1]</i> .		
Affected Entities	Oneida Judiciary, Oneida Human Resources Department, Employees of the Oneida Nation, Oneida Personnel Commission.		
Affected Legislation	Employee Protection Policy.		
Enforcement/Due Process	Corrective measures available under this law include disciplinary and civil actions by the Judiciary, garnishment by the Oneida Business Committee, or criminal prosecutions in federal or state courts. <i>[see Employee Protection Policy, 2 O.C. 211.4-7]</i> .		
Public Meeting	A public hearing is not required for emergency legislation.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
2 **A.** On April 11, 2018, the Oneida Business Committee dissolved the Oneida Personnel Commission and
3 directed that the Commission's hearing authority be transferred to the Oneida Judiciary. The OBC
4 directed the LOC to draft emergency amendments to address the impact of this resolution and placed
5 the commission's pending cases on hold until emergency amendments are adopted *[see BC*
6 *Resolution 04-11-18-A]*. On the same day, the Oneida Business Committee created the Personnel
7 Selection Committee to assume the Personnel Commission's responsibilities related to job screening
8 and interviews. *[see BC Resolution 04-11-18-B]*.
- 9 **B.** References to the Personnel Commission appear in several of the Nation's laws. Now that the
10 Personnel Commission is dissolved, amendments are necessary to transfer the Personnel
11 Commission's responsibilities to the Oneida Judiciary or to the newly created Personnel Selection
12 Committee.
- 13 **C.** These emergency amendments ensure that the Nation's employees may continue to file grievances
14 when subjected to retaliation in the workplace.
15

SECTION 3. CONSULTATION

- 16 **A.** The Judiciary Law, Personnel Policies and Procedures, Employee Protection Policy, and Military
17 Service Employee Protection Act were reviewed in drafting this analysis.
18 **B.** Personnel Commission staff were consulted regarding the number of pending cases and filing fees.
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39**SECTION 4. PROCESS**

- A. This amendment is being considered on an emergency basis. The Oneida Business Committee may temporarily enact an emergency law where legislation is necessary for the immediate preservation of public health, safety, or general welfare of the reservation population and enactment or amendment of legislation is required sooner than would be possible under this law [*see Legislative Procedures Act, 1 O.C. 109.9-5*].
- B. Through resolution BC-04-11-18-A, the OBC has issued a finding of an emergency and has stated the necessity for approving emergency amendments to this policy. Emergency amendments to this policy are necessary for the preservation of the general welfare of the reservation population, in an effort to ensure that employees of the Nation have due process rights in the absence of the Personnel Commission.
- C. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; however they will be required when considering permanent adoption of this amendment. Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period.
- D. This law was originally added to the Active Files List on 12/20/2017 and reclassified as emergency amendments on 4/18/2018.

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62**SECTION 5. CONTENTS OF THE LEGISLATION**

- A. ***Personnel Commission Replaced with Trial Court.*** All references to the duties and responsibilities of the “Personnel Commission” or “Personnel Commission Hearing Body” are deleted and replaced with “Trial Court”:
- i. ***Definitions.*** The following definitions have been revised:
 - The definition of “Appropriate agency” is revised to remove “Personnel Commission” and add “Trial Court.”
 - The definition of “Judiciary” is removed and replaced with a definition for “Trial Court,” which means the Court of the Oneida Judiciary where evidence and testimony are first introduced, received, and considered [*see Employee Protection Policy, 2 O.C. 211.3*].
 - ii. The Trial Court, rather than the Personnel Commission, has the authority to take corrective measures under this law [*see Employee Protection Policy, 2 O.C. 211.4-7(b)*].
 - iii. Employees protected by this law will now take their grievances to the Trial Court instead of the Personnel Commission [*see Employee Protection Policy, 2 O.C. 211.5-2(b)*].
 - iv. The Trial Court, rather than the Personnel Commission, is now authorized to proceed with any alleged retaliation grievance placed before them by an employee [*see Employee Protection Policy, 2 O.C. 211.5-3*].
 - v. The Trial Court, rather than the Personnel Commission, may issue a protective order for protected employees who have been retaliated against. The protective order remains in place until a final decision is issued by the Trial Court [*see Employee Protection Policy, 2 O.C. 211.5-5*].

SECTION 6. EFFECT ON EXISTING LEGISLATION

- 63 A. As a result of the dissolution of the Personnel Commission and creation of the Personnel Selection
64 Committee, the following laws must also be amended to remove references to the Personnel
65 Commission:
- 66 i. Oneida Personnel Policies and Procedures
 - 67 ii. Military Service Employee Protection Act
 - 68 iii. Oneida Judiciary Rules of Civil Procedure
- 69

70 SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR 71 OBLIGATIONS

- 72 A. *Pending Cases.* Five cases are currently pending before the Personnel Commission. These cases
73 have been placed on hold until amendments to this and related laws have been adopted. Any
74 timelines associated with these cases have also been placed on hold. At the time this analysis was
75 drafted, it is not known how many of these pending cases involve the Employee Protection Policy.
76 Upon adoption, pending cases and all future cases will be transferred to the Oneida Judiciary Trial
77 Court. The Business Committee's resolution indicates that the Judiciary has been notified and is
78 prepared to accept these responsibilities [see BC Resolution 04-11-18-A].
- 79 B. *Trial Court Filing Fees.* The Personnel Commission did not charge filing fees for their services. The
80 Trial Court, however, charges a \$50 filing fee for general civil cases. Therefore, individuals may now
81 be charged fees to have their cases heard under this law.
- 82 i. *Fee Waiver.* If individuals are unable to pay the filing fee, they may request a fee waiver from
83 the court for the following reasons: Unemployed, Health/Medical, Indigent (below poverty
84 level), or "other reasons."
- 85

86 SECTION 8. OTHER CONSIDERATIONS

- 87 A. *Impact on Draft Employment Law.* The Oneida Business Committee and General Tribal Council are
88 currently considering adoption of an Employment Law. A draft of the Employment Law was most
89 recently presented to GTC on 3/19/2017.
- 90 i. *Repeal of Employee Protection.* The draft of the Employment Law repeals the Employee
91 Protection Policy in its entirety and instead places a revised Employee Protection process into
92 the proposed Employee Handbook. The draft policy in the handbook does not include the
93 Trial Court. Whether to update the draft handbook to include the Trial Court is a policy
94 decision.
 - 95 ii. *Creation of Personnel Selection Committee.* The draft of the Employment Law dissolves the
96 Personnel Commission and transfers its hearing authority to the Trial Court and all non-
97 hearing related responsibilities to HRD. The draft of the Employment Law and handbook
98 should be updated to reflect the BC's action to dissolve the Personnel Commission and create
99 the Personnel Selection Committee.
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Title 2. Employment – Chapter 211 EMPLOYEE PROTECTION POLICY

211.1 Purpose and Policy

211.2 Adoption, Amendment, Repeal

211.3 Definitions

211.4 Disclosure

211.5 Protection

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211.1 Purpose and Policy

211.1-1. The purpose of this policy is to give protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other detrimental effects.

211.1-2. It is the policy of the Oneida Nation to extend protection to employees who act within this policy to protect the Nation's interests.

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211.2 Adoption, Amendment, Repeal

211.2-1. This policy shall become effective upon adoption.

211.2-2. This policy shall supersede, repeal, rescind any prior law or policy regarding employee protection. Provided, that the law or policy is in direct conflict or extends lesser protection than this Employee Protection Policy.

211.2-3. This policy may be amended or repealed by the Oneida Business Committee pursuant to the Oneida Administrative Procedures Act.

16

211.3 Definitions

211.3-1. This section shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Abuse of authority” means using the authority, whether real or assumed, of any position, whether actual or assumed, to obtain information, goods or services to the detriment of the tribe, or using the authority as described above to directly or indirectly punish any person or employee for disclosing information as described below.

(b) “Appropriate agency” means a delegated person or officer to receive disclosures in the Internal Auditing, Gaming Commission, Tribal School Board, Police Commission and ~~Trial Court~~ Personnel Commission.

(c) “Disciplinary action” means any action by an employer affecting an employee to their detriment, including, but not limited to - dismissal, demotion, transfer, removal of duty, refuse to restore, suspend, reprimand.

(d) “Disclosure” means to reveal otherwise non-public information or other information that would otherwise remain concealed during a period which it should be brought to light.

(e) “Employee” means any person working for the Oneida Nation in its programs, enterprises, and governmental functions, whether elected, appointed, or hired as a limited term employee, vendor, or contractor.

(f) “Information” means the specific time, date, who, when, where, what, how in any disclosure that would prevent detrimental actions being taken against the Oneida Nation.

~~(g) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Tribe.~~

(hg) “Merit further investigation” means that point at which a person(s) hearing the information believes that it requires further action.

42

43 | (h) “Mismanagement” means failure to use reasonable good sense in using the
44 | authority granted through the job description, delegated authority by any supervisor,
45 | and/or personal judgment to advance the economic, financial, and political value of the
46 | Oneida Nation by properly using employee time, equipment, funds, and their own time.

47 | (i) “Retaliatory action” means any action, either disciplinary or otherwise, taken
48 | against any employee, whether supervisory or supervised, for that employee's disclosure
49 | of information as directed within this policy, excluding any action that can be reasonably
50 | justified as taken in good faith based on documented employee performance. Action
51 | other than disciplinary action that may be retaliatory, by way of example, could be loss of
52 | hours, rescheduling shifts outside of normal shift changes, change of job requirements
53 | without notice, verbal or physical harassment, reduction of pay, denial of educational
54 | benefits, reassignment, failure to increase base pay.

55 | (k) “Substantial waste of public funds” means any use of funds in a manner not
56 | directed by policy, including any preference laws adopted by the Oneida Nation.

57 | (k) “Trial Court” means the Court of the Oneida Judiciary where evidence and testimony
58 | are first introduced, received, and considered. The Oneida Judiciary was established by
59 | Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial
60 | authorities and responsibilities of the Nation.

61 | 62 | **211.4 Disclosure**

63 | 211.4-1. General. The Oneida Tribe recognizing the negative impact on the employee that
64 | may arise from presenting information that protects the Oneida Tribe from adverse actions of its
65 | elected officials, employees, contractual employees, and contractors and offers the processes in
66 | this Policy to protect employees against retaliation in the event information is presented. This
67 | Policy is effective after presentation of information and protects against retaliation. No
68 | identification of a protected status is necessary when information is properly presented. And no
69 | protection can be extended unless information is properly presented.

70 | 211.4-2. An employee is protected under this policy when the disclosure of the information is
71 | given, in confidence, in written form, dated, and signed, to the any of the following persons:

- 72 | (a) Supervisor
- 73 | (b) appropriate agency or entity
- 74 | (c) law enforcement agency
- 75 | (d) attorney retained by the employee.
- 76 | (e) Employee Advocates

77 | Provided that, disclosure, through circumstances other than in person, the employee shall fully
78 | identify themselves.

79 | 211.4-3. A protected disclosure includes the following elements:

- 80 | (a) identity of person making the disclosure
- 81 | (b) identity of person or persons against whom disclosure is being made
- 82 | (c) to the best of the employees knowledge, the date and times at which the disclosed
- 83 | action occurred, and d. summary of the disclosed action.

84 | 211.4-4. All disclosures shall be kept confidential, until such time as action is being taken
85 | against the person or persons identified in the disclosed information.

86 | 211.4-5. Disclosures made in reference to section 211.4-1 of this policy shall be directed as
87 | soon as possible to the appropriate agency or entity, with the permission of the disclosing
88 | person/persons. The disclosed information will be in a sealed envelope, which may be hand
89 | carried, mailed certified or delivered by law enforcement. A receipt shall be required to be
90 | signed, and dated by the recipient.

91 211.4-6. Disclosures made in reference to 211.4-2(d) of this policy shall be with the
92 understanding that no attorney shall be directed to act in a manner that the attorney finds to be in
93 conflict with any professional responsibility or rule.

94 211.4-7. The appropriate agency shall send a written decision to the disclosing party that the
95 disclosure has or does not have merit, along with any further action that will be taken within
96 twenty (20) business days. If a disclosure merits further action, the disclosing party will be
97 notified that they may be called by the appropriate agency to give additional testimony at a
98 closed meeting and on approximately what date. Further, appropriate agencies will follow the
99 hearing procedures set out in the Administrative Procedures Act for a Hearing of Record.
100 Appropriate agencies are authorized to use their full powers to take corrective measures where
101 disclosures merit action, and to utilize all Tribal agencies to effectively correct any and all
102 problems found. This includes, but is not limited to, the following action:

- 103 (a) Oneida Business Committee garnishment action to recover lost funds,
104 ~~(b) Personnel Commission for disciplinary action,~~
105 ~~(e)b~~ Judiciary for appropriate disciplinary and civil actions,
106 ~~(d)c~~ Criminal prosecutions, where indicated, in appropriate federal or state courts.

107

108 **211.5 Protection**

109 211.5-1. Any employee who discloses information in the manner described in this policy shall
110 be protected from any and all employment related retaliation to the fullest extent of this section.

111 211.5-2. Any employee who believes that retaliatory action is being taken against them may
112 follow procedures set out below:

113 (a) This policy supersedes those complaint procedures set out in the Personnel Policy
114 and Procedures Manual and the employee may go directly to their Division Director and
115 state, in person and in writing, or written only, the action that employee believes is
116 retaliatory, or

117 (b) If a disciplinary action, that employee may go directly to the Trial Court Personnel
118 Commission with their grievance.

119 211.5-3. The ~~Personnel Commission~~Trial Court is authorized through this policy to proceed
120 immediately with any alleged retaliation grievance placed before them by any employee. Any
121 resolution of a retaliation grievance must be written and placed in all parties files. All parties
122 include, but are not limited to, persons actively involved with knowingly implementing any
123 retaliation action and named by the grieving party.

124 211.5-4. Any person acting under the authority of another, who has a good faith belief of the
125 correctness of their actions, is a legal defense against any retaliation grievance and, if accepted
126 by the ~~Personnel Commission~~Trial Court, bars placement of the results of the action in that
127 employee's file. Provided that, the person was not found to be actively involved in an retaliatory
128 action. Provided further, that the employee acting in good faith has not asked that the results of
129 any retaliation hearing be placed in their file.

130 211.5-5. If a disclosing employee files a grievance alleging a protected status as a result of a
131 disclosure and that retaliation has occurred, the disclosing employee may request a protective
132 order which may be as follows:

133 The ~~Personnel Commission Hearing Body~~Trial Court hereby orders that the Human
134 Resources Department shall monitor (name of supervisor/job title)'s actions in regard
135 to (name of disclosing employee/job title). This employee has alleged a protected
136 status under the Employee Protection Policy which the ~~Personnel Commission~~
137 Hearing BodyTrial Court has determined that sufficient evidence exists to prove that
138 such a status exists.

139 | This protective order shall remain in place until such time as a final decision is issued
140 | by this ~~Personnel Commission Hearing Body~~Trial Court.

141 | *End.*

142 |

143 | Emergency Adopted~~ion~~ - BC-4-20-95-B

144 | Permanent~~ly~~ Adopted~~ion~~ - BC-12-6-95-B

145 | ~~Amendments~~Amended - BC-1-20-99-B

146 | ~~Amendments~~Amended - BC-6-30-04-J

147 | ~~Amendments~~Amended - BC-02-25-15-C

148 | ~~Emergency Amended~~ - BC- - - -

Title 2. Employment – Chapter 211
EMPLOYEE PROTECTION POLICY

211.1 Purpose and Policy

211.2 Adoption, Amendment, Repeal

211.3 Definitions

211.4 Disclosure

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1

2 **211.1 Purpose and Policy**3 211.1-1. The purpose of this policy is to give protection to employees who give information
4 that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other
5 detrimental effects.6 211.1-2. It is the policy of the Oneida Nation to extend protection to employees who act within
7 this policy to protect the Nation's interests.

8

9 **211.2 Adoption, Amendment, Repeal**

10 211.2-1. This policy shall become effective upon adoption.

11 211.2-2. This policy shall supersede, repeal, rescind any prior law or policy regarding
12 employee protection. Provided, that the law or policy is in direct conflict or extends lesser
13 protection than this Employee Protection Policy.14 211.2-3. This policy may be amended or repealed by the Oneida Business Committee pursuant
15 to the Oneida Administrative Procedures Act.

16

17 **211.3 Definitions**18 211.3-1. This section shall govern the definitions of words as phrases as used herein. All
19 words not defined herein shall be used in their ordinary and everyday sense.20 (a) “Abuse of authority” means using the authority, whether real or assumed, of any
21 position, whether actual or assumed, to obtain information, goods or services to the
22 detriment of the tribe, or using the authority as described above to directly or indirectly
23 punish any person or employee for disclosing information as described below.24 (b) “Appropriate agency” means a delegated person or officer to receive disclosures
25 in the Internal Auditing, Gaming Commission, Tribal School Board, Police Commission
26 and Trial Court.27 (c) “Disciplinary action” means any action by an employer affecting an employee to
28 their detriment, including, but not limited to - dismissal, demotion, transfer, removal of
29 duty, refuse to restore, suspend, reprimand.30 (d) “Disclosure” means to reveal otherwise non-public information or other
31 information that would otherwise remain concealed during a period which it should be
32 brought to light.33 (e) “Employee” means any person working for the Oneida Nation in its programs,
34 enterprises, and governmental functions, whether elected, appointed, or hired as a limited
35 term employee, vendor, or contractor.36 (f) “Information” means the specific time, date, who, when, where, what, how in any
37 disclosure that would prevent detrimental actions being taken against the Oneida Nation.38 (g) “Merit further investigation” means that point at which a person(s) hearing the
39 information believes that it requires further action.40 (h) “Mismanagement” means failure to use reasonable good sense in using the
41 authority granted through the job description, delegated authority by any supervisor,
42 and/or personal judgment to advance the economic, financial, and political value of the
43 Oneida Nation by properly using employee time, equipment, funds, and their own time.

44 (i) “Retaliatory action” means any action, either disciplinary or otherwise, taken
45 against any employee, whether supervisory or supervised, for that employee's disclosure
46 of information as directed within this policy, excluding any action that can be reasonably
47 justified as taken in good faith based on documented employee performance. Action
48 other than disciplinary action that may be retaliatory, by way of example, could be loss of
49 hours, rescheduling shifts outside of normal shift changes, change of job requirements
50 without notice, verbal or physical harassment, reduction of pay, denial of educational
51 benefits, reassignment, failure to increase base pay.

52 (j) “Substantial waste of public funds” means any use of funds in a manner not
53 directed by policy, including any preference laws adopted by the Oneida Nation.

54 (k) “Trial Court” means the Court of the Oneida Judiciary where evidence and
55 testimony are first introduced, received, and considered. The Oneida Judiciary was
56 established by Oneida General Tribal Council resolution GTC-01-07-13-B to
57 administer the judicial authorities and responsibilities of the Nation.

58 **211.4 Disclosure**

59 211.4-1. General. The Oneida Tribe recognizing the negative impact on the employee that
60 may arise from presenting information that protects the Oneida Tribe from adverse actions of its
61 elected officials, employees, contractual employees, and contractors and offers the processes in
62 this Policy to protect employees against retaliation in the event information is presented. This
63 Policy is effective after presentation of information and protects against retaliation. No
64 identification of a protected status is necessary when information is properly presented. And no
65 protection can be extended unless information is properly presented.

66 211.4-2. An employee is protected under this policy when the disclosure of the information is
67 given, in confidence, in written form, dated, and signed, to the any of the following persons:

- 68 (a) Supervisor
- 69 (b) appropriate agency or entity
- 70 (c) law enforcement agency
- 71 (d) attorney retained by the employee.
- 72 (e) Employee Advocates

73 Provided that, disclosure, through circumstances other than in person, the employee shall fully
74 identify themselves.

75 211.4-3. A protected disclosure includes the following elements:

- 76 (a) identity of person making the disclosure
- 77 (b) identity of person or persons against whom disclosure is being made
- 78 (c) to the best of the employees knowledge, the date and times at which the disclosed
79 action occurred, and d. summary of the disclosed action.

80 211.4-4. All disclosures shall be kept confidential, until such time as action is being taken
81 against the person or persons identified in the disclosed information.

82 211.4-5. Disclosures made in reference to section 211.4-1 of this policy shall be directed as
83 soon as possible to the appropriate agency or entity, with the permission of the disclosing
84 person/persons. The disclosed information will be in a sealed envelope, which may be hand
85 carried, mailed certified or delivered by law enforcement. A receipt shall be required to be
86 signed, and dated by the recipient.

87 211.4-6. Disclosures made in reference to 211.4-2(d) of this policy shall be with the
88 understanding that no attorney shall be directed to act in a manner that the attorney finds to be in
89 conflict with any professional responsibility or rule.

90 211.4-7. The appropriate agency shall send a written decision to the disclosing party that the
91 disclosure has or does not have merit, along with any further action that will be taken within

92 twenty (20) business days. If a disclosure merits further action, the disclosing party will be
93 notified that they may be called by the appropriate agency to give additional testimony at a
94 closed meeting and on approximately what date. Further, appropriate agencies will follow the
95 hearing procedures set out in the Administrative Procedures Act for a Hearing of Record.
96 Appropriate agencies are authorized to use their full powers to take corrective measures where
97 disclosures merit action, and to utilize all Tribal agencies to effectively correct any and all
98 problems found. This includes, but is not limited to, the following action:

- 99 (a) Oneida Business Committee garnishment action to recover lost funds,
100 (b) Judiciary for appropriate disciplinary and civil actions,
101 (c) Criminal prosecutions, where indicated, in appropriate federal or state courts.
102

103 **211.5 Protection**

104 211.5-1. Any employee who discloses information in the manner described in this policy shall
105 be protected from any and all employment related retaliation to the fullest extent of this section.

106 211.5-2. Any employee who believes that retaliatory action is being taken against them may
107 follow procedures set out below:

- 108 (a) This policy supersedes those complaint procedures set out in the Personnel Policy
109 and Procedures Manual and the employee may go directly to their Division Director and
110 state, in person and in writing, or written only, the action that employee believes is
111 retaliatory, or
112 (b) If a disciplinary action, that employee may go directly to the Trial Court with their
113 grievance.

114 211.5-3. The Trial Court is authorized through this policy to proceed immediately with any
115 alleged retaliation grievance placed before them by any employee. Any resolution of a
116 retaliation grievance must be written and placed in all parties files. All parties include, but are
117 not limited to, persons actively involved with knowingly implementing any retaliation action and
118 named by the grieving party.

119 211.5-4. Any person acting under the authority of another, who has a good faith belief of the
120 correctness of their actions, is a legal defense against any retaliation grievance and, if accepted
121 by the Trial Court, bars placement of the results of the action in that employee's file. Provided
122 that, the person was not found to be actively involved in an retaliatory action. Provided further,
123 that the employee acting in good faith has not asked that the results of any retaliation hearing be
124 placed in their file.

125 211.5-5. If a disclosing employee files a grievance alleging a protected status as a result of a
126 disclosure and that retaliation has occurred, the disclosing employee may request a protective
127 order which may be as follows:

128 The Trial Court hereby orders that the Human Resources Department shall monitor
129 (name of supervisor/job title)'s actions in regard to (name of disclosing employee/job
130 title). This employee has alleged a protected status under the Employee Protection
131 Policy which the Trial Court has determined that sufficient evidence exists to prove
132 that such a status exists.

133 This protective order shall remain in place until such time as a final decision is issued
134 by this Trial Court.

135 *End.*
136

137 Emergency Adopted - BC-4-20-95-B
138 Permanently Adopted - BC-12-6-95-B
139 Amended - BC-1-20-99-B

- 140 Amended - BC-6-30-04-J
- 141 Amended – BC-02-25-15-C
- 142 Emergency Amended – BC-__-__-__-__

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Consider adoption of Resolution: Transition Plan for the Transfer of Hearing Authority from the Personnel Commission to the Judiciary - Trial Court

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____

Transition Plan for the Transfer of Hearing Authority from the Personnel Commission to the Judiciary – Trial Court

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and

WHEREAS, this consolidation of hearing authority to the Judiciary is consistent with the General Tribal Council’s previous actions of adopting a Judiciary law, approving amendments to the Constitution which adopted Article V, Judiciary, establishing “a judiciary to exercise the judicial authority of the Oneida Nation,” and adopting resolution GTC-03-19-17-A which designated the Oneida Judiciary as the judiciary authorized pursuant to Article V of the Constitution; and

WHEREAS, resolution BC-04-11-18-A required the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting for consideration of adoption; and

WHEREAS, through resolution BC-__-__-__, BC-__-__-__, BC-__-__-__, BC-__-__-__, the Oneida Business Committee adopted emergency amendments to the Personnel Policies and Procedures, the Employee Protection Policy, the Military Service Employee Protection Policy, and the Oneida Judiciary Rules of Civil Procedures; and

WHEREAS, the emergency amendments to the above mentioned legislation replace any reference to the Personnel Commission which refer to actions affecting employees involving adverse employment actions for which a hearing is authorized with a reference to the Judiciary – Trial Court, thereby transferring the hearing authority to the Judiciary – Trial Court; and

WHEREAS, the Oneida Business Committee wanted to provide a plan for the process of transitioning cases from the Personnel Commission to the Judiciary – Trial Court.

NOW THEREFORE BE IT RESOLVED, that the Judiciary Trial Court shall utilize prior decisions of the

43 Personnel Commission as precedent in its hearing and decision-making process and hearing procedures
44 shall follow those set forth in the Rules of Civil Procedure. Provided that, in circumstances where the
45 Personnel Policies and Procedures may conflict with the Rules of Civil Procedure, the deadlines in the
46 Personnel Policies and Procedures shall govern.
47

48 **NOW THEREFORE BE IT FURTHER RESOLVED**, the following processes shall be used to transfer
49 matters to the Judiciary.

- 50 1. All active cases for which at least one hearing has been held are transferred to the Judiciary Trial
51 Court effective immediately.
 - 52 a. The employee shall, by close of business on April __, 2018, file a notice with the
53 Judiciary Trial Court stating either they wish to maintain the current hearing body or have
54 their case assigned to a judicial officer of the Trial Court and the Trial Court shall begin
55 the hearing from the beginning, or at the request of the employee, continue the existing
56 hearing with the judicial officer replacing the hearing body.
 - 57 b. In all circumstances, the Judiciary shall receive active case files and hearing records for
58 active cases and begin management of the case.
- 59 2. All cases which have been accepted, but no hearing is yet been conducted or no hearing officers
60 selected, shall be transferred to the Judiciary Trial Court and a judicial officer of the Trial Court
61 assigned.
- 62 3. All cases which have been concluded and for which no appeal time remains, shall be transferred
63 to the Records Management Department which will work with the Judiciary to assist in managing
64 those records.
- 65 4. All matters filed, but for which no determination has been made regarding acceptance shall be
66 immediately forwarded to the Judiciary Trial Court.
- 67 5. The Personnel Commission administration shall deliver a complete record of all decisions of the
68 Personnel Commission to the Judiciary and a copy to Records Management Department.



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
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Statement of Effect

Transition Plan for the Transfer of Hearing Authority from the Personnel Commission to the Judiciary – Trial Court

Summary

The resolution provides a transition plan for the transfer of cases from the Personnel Commission to the Judiciary – Trial Court.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 20, 2018

Analysis by the Legislative Reference Office

The Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation.

The consolidation of hearing authority to the Judiciary is consistent with the General Tribal Council's previous actions of adopting a Judiciary law, approving amendments to the Constitution which adopted Article V, Judiciary, establishing "a judiciary to exercise the judicial authority of the Oneida Nation," and adopting resolution GTC-03-19-17-A which designated the Oneida Judiciary as the judiciary authorized pursuant to Article V of the Constitution.

Action has already taken by the Oneida Business Committee to transfer the hearing authority of the Environmental Resource Board and the Land Commission to the Judiciary.

Resolution BC-04-11-18-A required the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting for consideration of adoption. The Oneida Business Committee will consider the adoption of emergency amendments to the Personnel Policies and Procedures, the Employee Protection Policy, the Military Service Employee Protection Policy, and the Oneida Judiciary Rules of Civil Procedures.

The emergency amendments to the above mentioned legislation replace any reference to the Personnel Commission which refer to actions affecting employees involving adverse employment actions for which a hearing is authorized with a reference to the Judiciary – Trial Court, thereby transferring the Personnel Commission's hearing authority to the Judiciary – Trial Court.

Upon successful adoption of the emergency amendments, the Oneida Business Committee brought forth this resolution in an effort to provide a plan for the process of transitioning cases from the Personnel Commission to the Judiciary – Trial Court.

This resolution states that the Judiciary Trial Court shall utilize prior decisions of the Personnel Commission as precedent in its hearing and decision-making process and hearing procedures shall follow those set forth in the Rules of Civil Procedure. This resolution also clarifies that in circumstances where the Personnel Policies and Procedures may conflict with the Rules of Civil Procedure, the deadlines in the Personnel Policies and Procedures shall govern.

Additionally, this resolution provides a process that shall be used for the transfer of all employee grievance matters to the Judiciary that is dependent on the status of the case at hand, and allows the individual to maintain the current hearing body if they so wish.

The resolution allows for employees to who have a case that has had at least one hearing to file a notice with the Judiciary –Trial Court stating either they wish to maintain the current hearing body or have their case assigned to a judicial officer of the Trial Court. Since the Personnel Commission has been dissolved through resolution BC-04-11-18-A, there is no current existing hearing body. If the Oneida Business Committee wishes to provide employees the option of continuing their grievance hearing with the Personnel Commission then the Oneida Business Committee may wish to consider forming an ad hoc or task force committee, which is permissible by the Comprehensive Policy Governing Boards, Committees, and Commissions.

The Comprehensive Policy Governing Boards, Committees, and Commissions defines “task force or ad hoc” as a group of persons gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. The goal is generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long-term. [1 O.C. 105.3-1(e)]. Task force or ad hoc committees do not require bylaws, but instead minimally require a mission or goal statement for completion of the task, and can be dissolved upon a set date or acceptance of a final report. [1 O.C. 105.8-2 and 105.10-2].

This resolution also requires that the Personnel Commission administration deliver a complete record of all decisions of the Personnel Commission to the Judiciary and a copy to Records Management Department.

The Comprehensive Policy Governing Boards, Committees and Commissions discusses how materials and records generated by an entity are handled after a dissolution of an entity. The Comprehensive Policy Governing Boards, Committees and Commissions requires that all materials, files, and documents generated by the entity be forwarded to the Tribal Secretary’s Office for proper disposal and storage within two weeks of dissolution. [1 O.C. 105.9-4 and 109.10-3]. Since dissolution occurred on April 11, 2018, the Personnel Commission has until April 25, 2018, to transfer all materials, files, and documents to the Tribal Secretary’s Office for storage and disposal.

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the March 8, 2018 CDPC meeting minutes.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="3/8/18 CDPC Meeting Minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Community Development Planning Committee

CDPC Regular Meeting
9:00am – 12:00pm Thursday, March 8, 2018
Business Committee Conference Room



Minutes

Present: Ernest Stevens III, Kirby Metoxen, Daniel Guzman-King, Brandon Stevens
Others: Paul Witek, Gene Schubert, Joanie Buckley, Troy Parr, Pat Pelky, George Skenandore, James Petitjean, Susan House, Michelle Doxtator, Rae Skenandore, Susan Doxtator, Ron Melchert, Stacy Danforth, Jeff Witte, Louis Cottrell, Larry Barton, Mike Troge, Cathy Bachhuber, Lee Cornelius, Kristine Hill, Beth Bashara

I. Call to Order and Roll Call

Meeting called to order by Ernest Stevens III at 9:09 a.m. with Kirby Metoxen and Daniel Guzman King present. Brandon Stevens arrived at 9:25 a.m. Kirby Metoxen departed at 11:33 a.m.

II. Adopt the Agenda

Motion by Daniel Guzman-King to adopt the agenda, seconded by Kirby Metoxen. Motion carried unanimously.

III. Meeting Minutes

a. Meeting Minutes from February 8, 2018

Motion by Kirby Metoxen to accept the February 8, 2018, meeting minutes, seconded by Daniel Guzman-King. Motion carried unanimously.

b. Work Session Notes from February 22, 2018 – FYI

Noted as FYI.

IV. Unfinished Business

a. Industrial Hemp Update– Daniel Guzman-King, Troy Parr, Pat Pelky

Motion by Daniel Guzman-King to send to a work session on March 15th at 1pm to determine the process, cost analysis, and readiness assessment, noting 60 day timeline initially set but this motion would supersede that, seconded by Brandon Stevens. Motion carried unanimously.

b. CDPC Charter – Ernest Stevens III, Daniel Guzman-King

Motion Brandon Stevens to adopt the CDPC Charter with the noted changes in the meeting section and forward to the OBC, seconded by Daniel Guzman-King. Motion carried unanimously.

c. Thornberry Amenity Presentation – Ernest Stevens III, Troy Parr

Verbal update. No action taken.

d. Oneida Wellness/Recreational Initiative (fka: Oneida Community Recreation Complex) – Oneida Planning, Ernest Stevens III

Motion by Daniel Guzman-King to accept the update, seconded by Kirby Metoxen. Motion carried unanimously.

Note: Draft memo will be put on hold for now.

V. Standing Updates

a. Upper Oneida – Oneida Planning Department

Motion by Brandon Stevens to accept the update, seconded by Kirby Metoxen. Motion carried unanimously.

b. Cultural Heritage Site Plan –George Skenandore

Motion by Brandon Stevens to approve the Option 1 concept and send to the OBC for approval and development of a budget recommendation for the project FY19, seconded by Kirby Metoxen. Motion carried unanimously.

c. Wind Energy (Energy Team Update) – Ernest Stevens III, Michael Troge

Motion by Daniel Guzman-King to accept the verbal update, seconded by Brandon Stevens. Motion carried unanimously.

Note: Will be titled Energy Team Update on future agendas.

VI. New Business

VII. Tabled Business

a. Economic Development & Diversification Set Aside per BC Resolution 09-28-16-B – Chief Counsel Jo Ann House

Item will be added to the next CDPC Work Session. No action taken.

VIII. Adjourn

Motion by Brandon Stevens to adjourn at 11:43 a.m., seconded by Daniel Guzman-King. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

BC approval of Finance Committee Meeting Minutes of April 20, 2018

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Denise Vigue, Executive Assistant to the CFO /Finance Administration
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="4/2/18 LOC Minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
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LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

April 02, 2018

9:00 a.m.

Present: David P. Jordan, Daniel Guzman King, Jennifer Webster

Excused: Kirby Metoxen, Ernest Stevens III

Others Present: Brandon Wisneski, Clorissa Santiago, Tani Thurner, Cathy Bachhuber, Bonnie Pigman, Jen Falck

I. Call to Order and Approval of the Agenda

David P. Jordan called the April 2, 2018 Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by Jennifer Webster to adopt the agenda with two additions:

- The Community Support Fund law amendments
- The Child Care Department Consumer Complaint law amendments

seconded by Daniel Guzman King. Motion carried unanimously.

II. Minutes to be Approved (3:07-3:30)

March 7, 2018 LOC minutes

Motion by Daniel Guzman King to approve the March 7, 2018 LOC meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (3:31- 4:53)

Motion by Daniel Guzman King to accept the draft of the Comprehensive Policy Governing Boards, Committees, and Commissions amendments and direct that a legislative analysis be completed; seconded by Jennifer Webster Motion Carried unanimously.

Jennifer Webster noted that there were two work meetings with Boards, Committees, and Commissions.

2. Sanctions and Penalties law(4:54 – 5:49)

Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a community meeting/potluck be held on May 3, 2018; seconded by Daniel Guzman King. Motion carried unanimously.

3. Petition: Metivier - Treatment Clinic (5:51 – 6:32)

Motion by Daniel Guzman King to approve the 45 day progress report for Petition: Metivier –Treatment Clinic and forward to the Oneida Business Committee for

consideration; seconded by Jennifer Webster. Motion carried unanimously.

IV. New Submissions

1. Tribal Identification Law (6:33 - 8:48)

Motion by Jennifer Webster to add Tribal Identification Law to the active files list as medium Priority and Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

V. Additions

1. Community Support Fund Law Amendments (8:55 – 10:45)

Motion by Jennifer Webster to deny the request and to have a memo sent to officers and send the correspondence to the Judiciary regarding the cannons; seconded by Daniel Guzman King. Motion carried unanimously.

2. Child Care Department Consumer Complaint Law Amendments (10:47 – 11:32)

Motion by Jennifer Webster to deny the request and to have a memo sent to officers and send the correspondence to the Judiciary regarding the cannons; seconded by Daniel Guzman King. Motion carried unanimously.

VI. Administrative Updates

1. Domestic Animals Law Rule No. 1 - Licensing Fees, Fines and Penalties Certification (11:34 - 12:37)

Motion by Daniel Guzman King to certify the Domestic Animals Law Rule No. 1 and forward to the Business Committee for consideration; seconded by Jennifer Webster. motion carried.

2. Children's Code Implementation Quarterly Update E-Poll Results (12:40 – 13:58)

Motion by Daniel Guzman King to enter into the record; seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn the April 2, 2018 Legislative Operating Committee meeting at 9:12 a.m.; seconded by Jennifer Webster. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.



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



TO: General Tribal Council
FROM: Oneida Business Committee
DATE: June 18, 2018
RE: Proposed Employment Law- Status Update

BACKGROUND: GTC DIRECTIVE

The proposed Employment Law was on the March 19, 2017 General Tribal Council special meeting agenda. At that time, the GTC approved a motion to *“table this item until the next Business Committee has been elected; the next Business Committee has a chance to review it, and that the Oneida Personnel Commissions has the opportunity the provide input”*.

That directive has been completed, and this is a status update on the proposed Employment Law.

ONEIDA BUSINESS COMMITTEE REVIEW

The new LOC began working on this item in September 2017. The LOC held several work meetings to review the draft law and understand its content. The LOC has reviewed the law and kept the Oneida Business Committee up to date on those efforts.

INPUT PROVIDED BY THE PERSONNEL COMMISSION

The Oneida Personnel Commission (OPC) was invited to provide input. The OPC submitted comments to the Legislative Operating Committee on November 9, 2017 and January 11, 2018. In addition, all Division Directors were invited to provide comments. The Human Resources Department and Gaming submitted comments in January and February of this year.

LEGISLATIVE OPERATING COMMITTEE CONSIDERATIONS

These three considerations are of particular interest to the membership. More changes may come in the future drafts. Right now, the LOC is considering the following changes to the current draft of the law;

1. Personal/Vacation Accrual Rates:

The LOC is considering changing the draft law to reduce the amount of personal and vacation time an employee can accrue, starting on a specific date. Current employees would be exempt from this change. The accrual rates for anyone employed prior to that date, would not see a change in their accrual rates, but people hired after that date, would accrue fewer hours of personal and vacation time. The LOC has been discussing this with the Human Resources Department.

2. Administrative Rulemaking:

There are two ways this law can get adopted. One method is through rulemaking. That would mean that the law would be adopted by the General Tribal Council, and the details (what we now call the Blue Book) would be in a separate item. It would be called the Employment Law Handbook. The handbook would be adopted using the Administrative Rulemaking Law. In this scenario, the General Tribal Council would adopt and amend the law as needed. Adopting the handbook would require public input, and once the Handbook is adopted, the Human Resources Department and/or the Chief Executive Director of Administration would make amendments to the Handbook. Any amendments to the law or the handbook would require public input.

The LOC is considering not using the rulemaking method, and instead asking the General Tribal Council to consider adopting both the law and the handbook as one. Using this adoption method would mean that only the General Tribal Council could make amendments to Employment Law.

3. Personnel Commission/ Personnel Selection Committee:

In 1990, the Business Committee changed the name of the Personnel Selection Committee to the Personnel Commission (Resolution #BC-4-13-90A. In 1993, the Business Committee expanded the Personnel Commission's responsibilities to act as a hearing body for employment matters (Resolution # BC-05- 12-93-J). In 2013, the General Tribal Council adopted the Judiciary Law, and amended to Oneida Nation Constitution to include language that created an independent Judiciary. The General Tribal Council reaffirmed that action in 2017.

On April 11, 2018, the Oneida Business Committee adopted BC Resolution #04-11-18A: Dissolution of the Personnel Commission, Tolling all Timelines in Personnel Related Matters, and Directing the Development of Emergency Amendments of Existing Laws. This resolution dissolved the Personnel Commission. It also set parameters for pending grievance hearings, and directed the LOC to present emergency amendments to laws that would be impacted.

The Business Committee's goal was to transfer the Personnel Commission's hearing authority to the Oneida Nation Judiciary. This is not unlike the Land Commission and the Environmental Resources Board successfully moving their hearing authority to the Judiciary in 2017. Using the Judiciary to hear grievance cases saves the tribe money. It also reduces the amount of time it takes to complete cases. The Personnel Commission did not express concern about transfer of hearing authority to the Judiciary in their memos of November 11, 2017 or January 11, 2018.

On April 11, 2018, the Oneida Business Committee also adopted Resolution # 04-11-18-B: Creation of the Personnel Selection Committee. In essence, this resolution re-creates the Personnel Selection Committee. The role of this committee will be to protect against issues of nepotism and enforce Oneida and Indian preference laws.

The adoption of these resolutions is consistent with what has been presented to the General Tribal Council with regard to the Employment Law. Since the LOC began its work on the Employment Law, the LOC, in coordination with discussions of the Oneida Business Committee, have been considering a recommendation to return the Personnel Commission responsibilities to its original intent. The goal was to streamline the hiring process, increase efficiency, and save money and time.

The cumulative effect of these actions: 1) transferring hearing body authority to the Judiciary, 2) dissolving the Personnel Commission, and 3) creating the Personnel Selection Committee have essentially achieved the LOC's goal to make hiring more efficient and to save time and resources.

ONEIDA BUSINESS COMMITTEE RECOMMENDATIONS

The Oneida Business Committee has fulfilled the March 19, 2017 GTC Directive and is recommending that the General Tribal Council direct the Oneida Business Committee to continue working on this item and bring it back to the General Tribal Council at a later date.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Consider adoption of the Domestic Animals Law Rule No. 1 - Licensing Fees, Fines and Penalties

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member


Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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, Legislative Operating Committee Chairman 
DATE: April 25, 2018
RE: Certification of Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties

The Legislative Operating Committee (LOC) has reviewed and certified the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties. The Domestic Animals law delegates rulemaking authority to the Environmental Resource Board and the Environmental Health and Safety Division (now known as the Environmental, Health, Safety, and Land Division) for the purpose of establishing and maintaining a fine and penalty schedule, a licensing fee schedule, and other rules as necessary to enforce and implement this law. [3 O.C. 304.5-2(a)-(c)].

Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties codifies a licensing fee, fine, and penalty schedule.

Requested Action

Consider the adoption of the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties.



Title 3. Health and Public Safety – Chapter 304 DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Licensing and Permit Fee Schedule
- 1.5 Fines and Penalty Schedule

1.1 Purpose and Authority

1.1-1. *Purpose.* The purpose of this rule is to codify the existing licensing fee schedule and establish an updated fine and penalty schedule.

1.1-2. *Authority.* The Domestic Animals law delegates joint rulemaking authority to the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the Administrative Rulemaking law.

1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Environmental Health Safety and Land Division and the Environmental Resource Board in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to licensing fees, fines and penalties, and citations issued pursuant to the Domestic Animals law.

1.3. Definitions

1.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Citation” means a form of the Oneida Nation Citation that conforms to this rule and is approved for use by the Environmental Resources Board,
- (b) “Conservation Officer”, “Conservation Warden”, or “Warden” may be used interchangeably and means a Conservation Warden with the Oneida Conservation Department.

- (c) “Law Enforcement Officer” means a Law Enforcement Officer with the Oneida Police Department.

1.4. Licensing and Permit Fee Schedule

1.4-1. Licenses and Permits fees required by the Domestic Animals law are incorporated in this rule as an attachment.

1.5. Fines and Penalty Schedule. Violations of the Domestic Animals law may result in the issuance of a citation by a law enforcement or conservation officer. A citation may include any or all the fines/penalties authorized in the Domestic Animals law and/or set forth in this rule; The Fines and Penalty Schedule is incorporated in this rule as an attachment.

End.

Original effective date: [add effective date established by authorized entity] (Certified by LOC on)

LICENSING/PERMIT FEE SCHEDULE							
License/Permit Type	Fee (per animal)	License/Permit Period	Location to obtain License/Permit				
Cat License	\$5 if spayed/neutered; or \$10	January 1-December 31	LBDC or Oneida Conservation				
Dog License	\$5 if spayed/neutered; or \$10	January 1-December 31	LBDC or Oneida Conservation				
Exotic Animal Permit - Reference 304.8-2	\$10 (all exotics)	January 1-December 31	Oneida Conservation				
Hen Permit	\$10 (5 or more)	January 1-December 31	Oneida Conservation				
Conditional Use Permit - Livestock Residential Area	\$0	See *** below	Zoning Department				
DOMESTIC ANIMAL FINE AND PENALTY SCHEDULE							
Violation	Reference	1st Offense	2nd Offense	3rd Offense and up	Must Appear	Restitution Possible	Other Possible Penalty*
DOG/CAT REQUIREMENTS							
No required license	304.6-1	\$25	\$50	\$100			Seize/Impound**
Improperly/no attached license	304.6-1(b)	\$25	\$50	\$100			Seize/Impound
No current rabies vaccine	304.6-2	\$150	\$500	\$750			Seize/Impound
Failure to obey district quarantine	304.6-3	\$500	\$750	\$1,000	Y		Seize/Impound
Animal running at large	304.6-4	\$150	\$500	\$750			Seize/impound
Nuisance animal	304.6-4	\$150	\$500	\$750	Y		Seize/impound/Costs
Exceeding limit of allowed animals (per animal)	304.6-5	\$25 ea.	\$50 ea.	\$100 ea.	y		Seize/Impound
TREATMENT OF ANIMALS							
Failure to provide food/water	304.7-1	\$500	\$750	\$1,000	Y		Seize/Impound
Failure to comply with shelter standards	304.7-2(a) or (b)	\$150	\$500	\$750	Y		Seize/Impound
Failure to meet enclosure space standards	304.7-1(c)	\$150	\$500	\$750	Y		Seize/Impound
Failure to comply with sanitation standards	304.7-1(d)	\$150	\$500	\$750	Y		Seize/Impound
Mistreatment of animals	304.7-3	\$500	\$750	\$1,000	Y		Seize/Impound
PROHIBITED ANIMALS							
Keep/Release prohibited or exotic animal	304.8-1 or 2	\$500	\$750	\$1,000	Y		Seize/Impound
Possessing prohibited or exotic animal without required permit	304.8-3	\$150	\$500	\$750			Seize/Impound/Costs
Failure to provide notice of release/escape	304.8-5	\$500	\$750	\$1,000	Y		Seize/Impound
LIVESTOCK							
Keeping livestock with no conditional use permit	304.9-1	\$100	\$200	\$300			Seize/Impound
Violate livestock lot requirements	304.9-1	\$150	\$500	\$750			Seize/Impound
Livestock at large	304.9-2	\$150	\$500	\$750		Y	Seize/Impound
Keeping hens without required permit	304.9-3	\$100	\$200	\$300			Seize/Impound
Prohibited keeping of rooster(s)	304.9-3	\$100	\$200	\$300			Seize/Impound
Keeping hen(s) in prohibited manner	304.9-3(a)	\$100	\$200	\$300	Y		Seize/Impound
Nuisance hen(s)	304.9-3(b)	\$100	\$200	\$300			Seize/Impound
DANGEROUS ANIMALS							
Harboring a Dangerous Animal	304.10-1 or 2	\$500	\$1,000	\$2,000	Y	Y	Seize/Impound/Declaration of Dangerousness
Failure to post required dangerous animal sign(s)	304.10-2(c)	\$100	\$200	\$300			Seize/Impound
Failure to spay/neuter required animal	304.10-2(d)	\$150	\$500	\$750	Y		Seize/Impound
Failure to provide/ provide proof of required liability insurance	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to notify of insurance policy cancelation	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to microchip required animal	304.10-2(f)	\$150	\$500	\$750	Y		Seize/Impound

Failure to comply with ongoing notification requirements	304.10-2(g)	\$150	\$500	\$750	Y		Seize/Impound
Bringing/Keeping a vicious animal	304.10-3	\$750	\$1,500	\$2,500	Y	Y	Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to provide required proof of destruction	304.10-3(b)(3)	\$150	\$500	\$750	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to notify police of animal bite	304.10-4	\$150	\$500	\$750			
Failure to quarantine	304.10-4(a)	\$500	\$750	\$1,000	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
LIABILITY FOR DAMAGE(S)							
Damage caused by animal	304.11-1	\$100	\$200	\$300	Y	y	Seize/Impound/Liability for damage up to 2x amount

*Criminal charges/referrals may be appropriate in certain cases and is not prohibited

**Seize/Impound may include forfeiture and destruction in certain cases. Owners are responsible for impound costs/fees.

*** Conditional Land Use Permit(s) for Livestock in a residential area expires when the permittee resides at an address that is different than what is listed on the permit; please note that Conditional Land Use permits are not attached to the land but to the individual they are issued.

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



Memorandum

Date: March 14, 2018
To: Legislative Operating Committee
From: Chad Wilson, Project Manager/ERB

The Environmental Resource Board and Environmental, Health, Safety, & Land division have worked cooperatively with the help of all stakeholders to create the proposed rule under Title 3. Health and Public Safety - Chapter 304 Domestic Animals, called Rule #1 – Licensing Fees, Fines and Penalties. Below will show that administrative rulemaking processes have been completed.

Timeline of dates that each rulemaking requirements was completed:

1. Date of Public Meeting was posted.
 - a. Website – January 17, 2018
 - b. Kalihwisaks – January 18, 2018 and February 01, 2018
2. Date the Public Meeting was held.
 - a. February 01, 2018
3. Date the public comments period closed.
 - a. February 15, 2018
4. Date the public comments were considered.
 - a. There were no public or written comments
5. Date the request to other agencies was made for financial analysis.
 - a. January 12, 2018
6. Date the rule will go into effect.
 - a. April 25, 2018

There were no attendees to the public meeting and no written comments were received by mail.

A handwritten signature in cursive script that reads "Chad Wilson".

Chad Wilson
Project Manger
Environmental Resource Board

Attachments:

Chapter 304 Domestic Animals Rule #1 – Licensing Fees, Fines and Penalties
Summary Report
Kalihwisaks public meeting notice
Agencies approval letter & ERB Minutes

Summary Report for DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

Original effective date: 01/01/18

Amendment effective date: 03/21/18

Name of Rule: DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

Name of law being interpreted: Chapter 304 Domestic Animals

Rule Number: #1

Other Laws or Rules that may be affected: None

Brief Summary of the proposed rule: The proposed rule incorporates the current licensing fees into a formal schedule as well as updates the fine and penalty schedule; Due to the Domestic Animals amendments there are additional licensing/permits fees, fines, and penalties that needed to be added to the schedule. This permanent rule is expected to become effective on March 21, 2018 after OBC adoption and will replace the emergency rule that has an effective date of 01/01/18.

Statement of Effect: Obtained after requesting from the Legislative Reference Office.

Financial Analysis: This rule creates no anticipated fiscal impact. The Oneida Judiciary, Environmental Resource Board (ERB), Oneida Police Department (OPD), Oneida Conservation, and Oneida Zoning provided responses to this effect.

Note: *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*

Financial Analysis for [Insert Name of Rule]

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	There are no startup costs to this rule.	\$0.00
Personnel	There are no additional costs to personnel to implement this rule.	\$0.00
Office	There are no additional costs to Office to implement this rule.	\$0.00
Documentation Costs	There are no additional costs to Document Costs to implement this rule.	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Compliance will immediately after the rule has been approved.	\$0.00
Other, please explain		
Total	Annual Net Revenue	\$0.00



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



Statement of Effect

Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties

Summary

The Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties codifies the existing licensing fee schedule and establishes an updated fine and penalty schedule.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: January 17, 2018

Analysis by the Legislative Reference Office

The Domestic Animals law delegates general rulemaking authority to the Environmental Health and Safety Division and the Environmental Resource Board, to jointly establish and maintain a fine and penalty schedule, a licensing fee schedule, and other rules as necessary to enforce and implement this law. [see *Domestic Animals law section 304.5-2*].

Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties provides a licensing and permit fee schedule for a variety of domestic animals, as well as a fine and penalty schedule for various offenses.

Conclusion

There are no legal bars to adopting the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties.

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Local

www.kalihwisaks.com

Notice of Public Meeting

To be held:
Wednesday, January
31st 2018 at
10:00 A.M. and 5:30 P.M.
in the Oneida Economic
Support Conference
Room
2640 West Point Rd.
Green Bay, WI

In accordance with the
Administration for Child-
ren and Families the
Oneida Nation Econom-
ic Support Department
is hosting this Public
Meeting to gather feed-
back from the commu-
nity regarding the Tem-
porary Assistance for
Needy Families (TANF)
plan for May 1, 2018-
April 30th, 2021.

**Topic: Oneida Nation
TANF Plan**

To obtain copies of
the proposed plan you
may visit the Economic
Support website and/
or office as well as the
Oneida Library.

<https://oneida-nsn.gov/resources/self-sufficiency/economic-support/>

All interested persons
may submit written/
verbal comments at the
Public Meeting. If un-
able to attend, the dead-
line for written com-
ments is **January 31
2018, 4:30 PM**

Written comments
may be submitted to the
Director of Economic
Support, Delia Smith or
Program Manager, Bar-
bara Metoxen, in person
at the Social Services
Building or by U.S.
mail, interoffice mail, e-
mail or fax.

P.O. Box 365 Oneida,
WI 54155
Fax: 920-490-6803
Dsmith1@oneidanation.
org Ph. 490-3776
bmetoxen@oneidana-
tion.org Ph. 490-3777

Public Hearing Notice

6:00 p.m. at Ridgeview Plaza 3759 W. Mason St. Suite 4
Thursday, February 1, 2018

Purpose: Chapter 304 Domestic Animals #1 – Rule: LICENSING FEES, FINES AND PENALTIES

The Environmental Resource Board (ERB) and the Environmental, Health, Safety, and Land division (EHSL) under Chapter 304.5-2.(a) and (b) have been delegated rule making authority in relation to Domestic Animals licensing fee, fines, and penalties.

The purpose of the hearing is to gather public comments for the chapter 304 Domestic Animals #1 – Rule: LICENSING, FEES, FINES AND PENALTIES.

You may view the proposed rule on the Oneida Register <https://oneida-nsn.gov/government/register/> or hard copies can be picked up at the Environmental Resource Board located at Ridgeview Plaza 3759 W. Mason St. Suite 6 Oneida, WI. 54155.

I. Testimony:

a. Oral: There will be a 5 minute limit for all oral presentations. Each participant is encouraged to provide a written transcript of his/her oral testimony to be submitted while present at the public hearing or within in ten (10) business days from the date of public hearing to the below named individual.

b. Written: For those who cannot attend the scheduled public hearing or do not plan to speak at the hearing, the ERB and EHSL encourages those to submit written testimony. A maximum of five (5) pages, doubled spaced, can be submitted within ten (10) business days from the date of public hearing to Chad Wilson, Project Manager, cwilson1@oneidanation.org at Environmental Resource Board P.O. 365 Oneida WI, 54155.

PUBLIC NOTICE:***Changes to Payment Location for Tribal Citations & Judgements***

The Environmental Resource Board (ERB) hereby gives notice that our hearing authority shall transfer to the Oneida Judiciary Trial Court on **Monday, January 01, 2018**. Due to the transfer of hearing authority payment for citations and judgements will change.

If you receive a judgement or citation:

Citations titled “**Oneida Conservation Citation**” that are heard before the Environmental Resource Board shall continue to be paid at the Oneida Conservation Department located at: N8047 County Road U, Oneida WI, 54144. Questions, please call Conservation at (920) 869-6500.

Citations titled “**Oneida Nation Citation**” that are heard before the Oneida Judiciary Trial Court shall be paid at:
2630 West Mason Street, Green Bay, WI 54303. Questions, please call (920) 496-7200.

Question related to changes with these laws please call Chad Wilson, Project Manager/Environmental Resource Board at (920) 496-5361, e-mail: cwilson1@oneidanation.org or come to our office located at Ridgeview Plaza 3759 W. Mason St. Suite 6, Oneida, WI 54155.

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Legals

www.kalihwisaks.com

Public Hearing Notice

6:00 p.m. at Ridgeview Plaza 3759 W. Mason St. Suite 4
Thursday, February 01, 2018

Purpose: Chapter 304 Domestic Animals #1 – Rule: LICENSING FEES, FINES AND PENALTIES

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Question related to changes with these laws please call Chad Wilson, Project Manager/Environmental Resource Board at (920) 496-5361, e-mail: cwilson1@oneidanation.org or come to our office located at Ridgeview Plaza 3759 W. Mason St. Suite 6, Oneida, WI 54155.

LEGAL NOTICE

Setting Time and Notice to Creditors: request for information.

The following estates are being prepared for probate by the United States Department of the Interior and/or

The Oneida Nation of Wisconsin, Land Commission and/or Oneida Judiciary.

All creditor claims must be filed on or before **March 14, 2018 for:**

Frank Skenandore DOB 03/18/1941 – 10/22/2017

Lynn Balvin DOB

06/13/1942 – 04/03/2009 07/23/1960 – 09/29/2017

Shirley Clark DOB 02/28/1928 – 07/07/1992 Send all creditor claims and information relating to the decedent to the following address:

Meril Kerr Jr. DOB 08/31/1971 – 08/30/2014 Tina L Figueroa, Land Title and Trust Specialist

Carmellia Nicholson DOB 05/07/1945 – 01/18/2010 Oneida Nation of Wisconsin Division of Land Management, PO Box 365, Oneida WI 54155

Karen Skenandore DOB 02/03/1940 – 11/16/2010 *Dated Wednesday, January 03, 2018*

Edward Tecumseh DOB

LEGAL NOTICE
ONEIDA FAMILY COURT
NOTICE OF HEARING

RE: Case #14-PA-190 ONCSA & Noreata A. Vega v Martin Valdez

A diligent attempt was made to notify the above Petitioner/Mother of a Motion for Contempt and Motion to Modify Custody and Physical Placement filed by Respondent/Father. A hearing shall take place on **Monday, February 5, 2018 at 1:30 pm** in the above captioned case at the Oneida Family Court office located at 2630 West Mason Street, Green Bay, WI 54303.

Inquiries for additional information may be directed to: Oneida Family Court P.O. Box 19 Oneida, WI 54155 (920) 496-7200

ATTENTION
Tribal ID Holders

As of January 1, 2018

There will be NEW TRIBAL ID's Available

Cost: Picture Tribal ID's: **\$5.00**

Picture Tribal ID's for Elders (*age 55 & older*): **\$2.00**

Hours for Issuing Tribal ID's:

Monday – Friday
9:00 AM to 4:00 PM

Location: Trust Enrollment Department

210 Elm St
Oneida WI 54155

You must provide another form of valid identification

(Examples: Driver's License, State ID, School ID) **(NO trade-ins of Old ID Cards will be allowed)**

If you are coming from out of town and/or require a specialized time, please call at least two (2) business days in advance to schedule an appointment at:

(920) 869-6200 or (800) 571-9902
or email at:

emailtrustenrollments@oneidanation.org

Published by Trust Enrollment Department



PUBLIC MEETING DRAFT

Title 3. Health and Public Safety – Chapter 304

DOMESTIC ANIMALS

Rule #1 – LICENSING FEES, FINES AND PENALTIES

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Licensing and Permit Fee Schedule
- 1.5 Fines and Penalty Schedule

1.1 Purpose and Authority

1.1-1. *Purpose.* The purpose of this rule is to codify the existing licensing fee schedule and establish an updated fine and penalty schedule.

1.1-2. *Authority.* The Domestic Animals law delegates joint rulemaking authority to the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the Administrative Rulemaking law.

1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Environmental Health Safety and Land Division and the Environmental Resource Board in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to licensing fees, fines and penalties, and citations issued pursuant to the Domestic Animals law.

1.3. Definitions

1.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Citation” means a form of the Oneida Nation Citation that conforms to this rule and is approved for use by the Environmental Resources Board,
- (b) “Conservation Officer”, “Conservation Warden”, or “Warden” may be used interchangeably and means a Conservation Warden with the Oneida Conservation Department.

- (c) “Law Enforcement Officer” means a Law Enforcement Officer with the Oneida Police Department.

1.4. Licensing and Permit Fee Schedule

1.4-1. Licenses and Permits fees required by the Domestic Animals law are incorporated in this rule as an attachment.

1.5. Fines and Penalty Schedule. Violations of the Domestic Animals law may result in the issuance of a citation by a law enforcement or conservation officer. A citation may include any or all the fines/penalties authorized in the Domestic Animals law and/or set forth in this rule; The Fines and Penalty Schedule is incorporated in this rule as an attachment.

End.

Original effective date: [add effective date established by authorized entity] (Certified by LOC on)

LICENSING/PERMIT FEE SCHEDULE							
License/Permit Type	Fee (per animal)	License/Permit Period	Location to obtain License/Permit				
Cat License	\$5 if spayed/neutered; or \$10	January 1-December 31	Oneida Conservation				
Dog License	\$5 if spayed/neutered; or \$10	January 1-December 31	Oneida Conservation				
Exotic Animal Permit	\$10 (all exotics)	January 1-December 31	Oneida Conservation				
Hen Permit	\$10 (5 or more)	January 1-December 31	Oneida Conservation				
Conditional Use Permit - Livestock Residential Area	\$0	See *** below	Zoning Department				
DOMESTIC ANIMAL FINE AND PENALTY SCHEDULE							
Violation	Reference	1st Offense	2nd Offense	3rd Offense and up	Must Appear	Restitution Possible	Other Possible Penalty*
DOG/CAT REQUIREMENTS							
No required license	304.6-1	\$25	\$50	\$100			Seize/Impound**
Improperly/no attached license	304.6-1(b)	\$25	\$50	\$100			Seize/Impound
No current rabies vaccine	304.6-2	\$250	\$700	\$750			Seize/Impound
Failure to obey district quarantine	304.6-3	\$500	\$750	\$1,000	Y		Seize/Impound
Animal running at large	304.6-4	\$150	\$500	\$750			Seize/impound
Nuisance animal	304.6-4	\$150	\$500	\$750	Y		Seize/impound/Costs
Exceeding limit of allowed animals (per animal)	304.6-5	\$25 ea.	\$50 ea.	\$100 ea.	y		Seize/Impound
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Harboring a Dangerous Animal	304.10-1 or 2	\$500	\$1,000	\$2,000	Y	Y	Seize/Impound/Declaration of Dangerousness
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Failure to provide/ provide proof of required liability insurance	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to notify of insurance policy cancelation	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to microchip required animal	304.10-2(f)	\$150	\$500	\$750	Y		Seize/Impound
Failure to comply with ongoing notification requirements	304.10-2(g)	\$150	\$500	\$750	Y		Seize/Impound

Bringing/Keeping a vicious animal	304.10-3	\$750	\$1,500	\$2,500	Y	Y	Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to provide required proof of destruction	304.10-3(b)(3)	\$150	\$500	\$750	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to notify police of animal bite	304.10-4	\$150	\$500	\$750			
Failure to quarantine	304.10-4(a)	\$500	\$750	\$1,000	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
LIABILITY FOR DAMAGE(S)							
Damage caused by animal	304.11-1	\$100	\$200	\$300	Y	y	Seize/Impound/Liability for damage up to 2x amount

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



Date: March 1, 2018

To: Legislative Reference Office

From: Environmental Resource Board and Environmental, Health, Safety & Land Division

Re: **Domestic Animals: Rule #1 – LICENSING FEES, FINES AND PENALTIES**

The Environmental Resource Board and Environmental, Health, Safety & Land Division have worked cooperatively to create the rule and fee schedule for the Chapter 304 Domestic Animals Ordinance in coordination with assistance from the Legislative Reference Office and Oneida Law Office.

The signees below approve the rule called: Title 3. Health and Public Safety – Chapter 304 DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES.

A handwritten signature in blue ink, reading "Al Manders". The signature is written in a cursive style and is positioned above a horizontal line.

Al Manders

Chair

Environmental Resource Board

A handwritten signature in purple ink, reading "Pat Pelky". The signature is written in a cursive style and is positioned above a horizontal line.

Pat Pelky

Division Director

Environmental, Health, Safety & Land Division

ENVIRONMENTAL RESOURCE BOARD MEETING**Ridgeview Plaza, Suite 4****March 1, 2018 – 6:00 p.m.****ATTENDANCE**

ERB MEMBERS: Ted Hawk, Al Manders, Gerald Jordan, Richard Baird, Marlene Garvey,
Tom Oudenhoven, Nicole Steeber
STAFF: Laura Manthe, Chad Wilson, Gene Schubert
GUEST: Shad Webster, Mike Finney, Rich Vanboxtel, Brooke Doxtator,
Ernie Stevens

APPROVAL OF MINUTES

Meeting called to order at 6:00 pm. Motion to approve agenda by Ted Hawk, seconded by Tom Oudenhoven, motion passes. Motion to approve the minutes of 2/1/18 by Richard Baird, seconded by Gerald Jordan, motion passes.

OLD BUSINESS

1. ERB positions
Brooke Doxtator, Supervisor of B.C.C., gave an update on realigning ERB vacancies to resume the staggering stated in the by-laws. 2 new posted positions will be for 1 yr and the other 2 will be for the regular 3 yr term. These will run according to the fiscal years and remain fixed. Gerald, Nicole, Richard and Tom have the expiring terms this year.
2. Grazing Lands
Mike Finney distributed a map of proposed grazing project which would be supported by external funds. Grazing is an alternative to the local CAFO models which produce heavy manure loads and rely on pesticides. Mike showed a short video discussing the health benefits of grass fed beef. Discussion with ERB about design options for the fencing to facilitate hunting activities.
3. Hearing transition to the Judiciary
Chad is finalizing the issue of depositing revenue from citations into the general fund. He is drafting an agreement (an I.O.P) with the Court Judge so that they may assume the debt collection. Chad will bring the proposal back to review how far back and what amounts to have as the minimum limits for proposed collections.
4. Domestic Animals Fine Schedule and Rule
Chad updated on the final changes per discussion with EHS&L Division, OPD, and attorneys. Motion by Tom Oudenhoven to approve, seconded by Nicole Steeber, motion passes. Rich gave an

update about comparison of Oneida citation fines to similar municipal fines. Discussion of how the \$25 court fee could be included in the fine or not, similar to other citations that are issued by Oneida.

5. Comprehensive Policy for Board, Committees, and Commissions
A public meeting was held 2/22. The updates include expansion of several sections including by-laws, prohibition on drugs, appointment process, termination process, expectations for members, quarterly reporting and more. Liaison Ernie Stevens pointed out that the intent is to make basic standards equivalent across the different entities so that the reports and representation become more similar and equal.

NEW BUSINESS

1. Spring Turkey Hunt and Hunter's feast
Shad proposed to return Turkey Season to 2011-2015 model where "sportsmen to purchase a set of tags for the harvest of one bearded and one hen, after successfully harvesting both, be allowed to purchase another set." Motion to approve by Tom Oudenhoven, seconded by Minnie Garvey, motion passes. Also discussion about resuming the Hunter's meeting, probably for August, and Tom mentioned he has some ham to donate. Shad advocated for the surveys as a preferred method of collecting member opinions.
2. Hearing on 3/15
Gene updated that one more hearing was required as a stipulation agreement verbally agreed upon in December was never signed by the individual respondent. Al, Ted, Tom, and Gerald volunteered.
3. Hobart Restricted Area Map
Laura reviewed a map created by GLIS and Conservation demonstrating an overlap of Oneida property within the proposed "Hobart restricted areas" for discharging firearms. There will be no action within Oneida currently to contest but there may be an incident in the future to challenge which will require advocacy/support from the organization.
4. ERB Incentive SOP
Chad reviewed the SOP created to support employee incentives.

ADJOURNMENT

Motion to adjourn at 7:52 pm by Gerald Jordan, seconded by Tom Oudenhoven, motion passes.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the March 15, 2018 Quality of Life Minutes.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

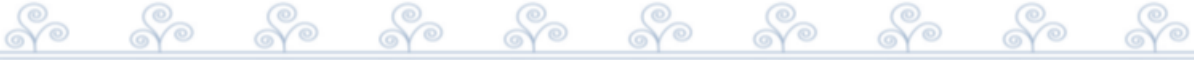
5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Quality of Life Committee

Meeting Minutes for March 15, 2018

Present: Tehassi Hill, Daniel Guzman-King, Brandon Stevens, Ernest Stevens III,
Others Present: Dr. Vir, Rosa Laster, Priscilla Belisle, Latsiklanunha Hill, Eric Boulanger, Cathy Bachhuber

I. Call to Order and Roll Call

Meeting called to order by Ernest Stevens III at 8:39 a.m. with Tehassi Hill, Daniel Guzman-King, Brandon Stevens, Tehassi Hill also present.

II. Approval of the agenda

Motion by Tehassi Hill to approve the agenda, seconded by Daniel Guzman-King
Motion carried unanimously.

III. Approval of Meeting Minutes

A. February 15, 2018 Quality of Life meeting minutes

Motion by Tehassi Hill to approve the February 15, 2018 Quality of Life meeting minutes, seconded by Daniel Guzman-King. Motion carried unanimously.

B. February 26, 2018 Quality of Life work session notes – FYI

Motion by Tehassi Hill to approve the February 26, 2018 Quality of Life work session notes as FYI, seconded by Daniel Guzman-King. Motion carried unanimously.

IV. Unfinished Business

V. New Business

VI. Reports

A. Tribal Action Plan Update – Priscilla Belisle

Motion to Ernest Stevens III to accept the verbal update, seconded by Tehassi Hill.
Motion carried unanimously.

VII. Additions

VIII. Adjourn



Motion by Ernest Stevens III to adjourn at 9:49 a.m., seconded by Tehassi Hill. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve CIP Concept Paper for Elders Memorial Garden CIP #18-004.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Paul Witek, Engineering Director - Senior Architect/Engineering Dept.
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Ron Melchert, Planner/Planning Dept.
Name, Title / Dept.

Additional Requestor: Fawn Cottrell, Contract Processor/ Engineering Dept.
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose:

The project team is seeking approval of the project's Capital Improvement Process (CIP) Concept Paper. see attached.

Background:

The purpose of this project is to create a memorial garden which will serve as a place of remembrance in recognizing and honoring all members of the original Oneida Reservation Commission on Aging (ORCOA) Board and their successors for their valuable contributions to the community. The space for the memorial garden is to be in the southwest corner of the Oneida Nation Elder Services property at the west end of the parking lot.

Approval of the project's CIP Concept Paper will allow the project to proceed into the next phase of the process, completing a CIP Package. The CIP Package would be brought forward for approval before the project could proceed.

Action Requested:

1. Approve CIP Concept Paper for project #18-004 Elders Memorial Garden.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



**Capital Improvement Process (CIP)
- Client Division Director Approval Form**

To: Patricia L. Lassila, ONCOA Chairwoman
Through: Lois Strong
From: Dan Skenandore
Date: March 12, 2018
Re: ORCOA/ONCOA Elders Memorial Garden CIP 18-004

I have reviewed the attached Capital Improvement Process (CIP) document identified below for the above noted project and approve of the project moving into the next phase of the CIP Process

- CIP Concept Paper – dated: 4/05/2018
- CIP Package – dated:



Patricia L. Lassila, ONCOA Chairwoman

4-10-18

Date

Form CIP-05
Rev. April 11, 2017

CAPITAL IMPROVEMENT PROCESS (CIP) – CONCEPT PAPER

For

ORCOA/ONCOA Elders Memorial Garden

CIP # 18-004

04/05/2018

I. Purpose:

- A. The purpose of this request is to create a memorial garden which will serve as a place of remembrance in recognizing and honoring all members of the original Oneida Reservation Commission on Aging (ORCOA) Board and their successors for their valuable contributions to The Oneida Nation Elders in past years. (see attachment 1.)

II. Project Analysis

A. Project Description: The project consists of the design of an Elder's memorial garden. The space for the memorial garden is to be the area in the southwest corner of the Oneida Nation Elders Services property at the west end of the parking lot. The catalysts of the memorial include: a fulfillment of the General Tribal Council Resolutions, GTC # 7-11-94-E and Resolution 2-09-00-A, hereby attached (attachments 2 & 3).

B. Assumptions:

1. That the Tribal Organization will support the project moving forward.
2. Funding will be available for developing the project.

C. Operational Impact:

1. Development of an outdoor space requiring organization support may require additional staffing from DPW, Grounds Maintenance, etc. A full evaluation will be included in the project's CIP Package.

D. Organizational Goals: The project would support the following goals and objectives of the 2008 Comprehensive Plan for the Oneida Reservation and its 2014 update:

1. Plan Element: Community Design
 - a) GOAL #1: Create "A positive sense of place," which identifies "An Oneida community." the following elements shall be integrated throughout the community in such a way that a positive sense of place and sovereign identity are supported: art; aesthetics (building design, landscape, trees); signs; culture and history integration; trails for walking and biking which connect all adjacent areas such as roadways, green space, natural features, visual corridors, parks and others.
2. Plan Element: Department of Culture
 - a) GOAL #1: Educate and communicate our cultural values/beliefs and

history to other Tribes and the general public.

(1) Objective 1. Increase the number of information venues with culturally relevant facts about our people as an on-going activity.

(2) Honor and promote our accomplishments

III. Market

A. Market Served: Elder board members of the Oneida Reservation Commission on Aging/Oneida Nation Commission on Aging, (ORCOA/ONCOA), that have contributed to the betterment of the Oneida Community through their charitable work efforts.

B. Competition: None.

IV. Potential Risk:

A. The Oneida Nation has the threat of losing an opportunity of remembrance and to memorialize the accomplishments of its elders. Those elders who have embraced and demonstrated the cultural values of sharing and strengthening the community.

B. Failure to meet and fulfill the Comprehensive Plan's goals and objectives supported by this project.

V. Potential Investment

A. Funding Sources: Potential funding sources for this project include:

1. CIP Budget
2. Grants
3. Donations – will be accepted on behalf of ORCOA OR ONCOA members.

B. Development Costs: This project will not require any funding for completing the project's CIP Package if the Concept Paper is approved.

C. Construction Cost Target:

1. Construction cost is targeted to be in the range of \$90,000 - \$150,000 for the site work only. Landscape site work, soft and miscellaneous costs, furniture, fixtures, equipment and contingency are in addition to this construction cost.
2. The project's CIP Package will identify the total project budget estimate.

VI. Time Line Upon approval of the Concept Paper:

A. CIP Phase I - CIP Package	5 weeks
B. CIP Phase II - Project Ranking and Approval	10 weeks
C. Project Budget Funding	TBD

- D. CIP Phase III - Design 8 weeks
- E. CIP Phase IV - Construction 20 weeks

VII. Recommendations

A. It is recommended strong consideration be given to this project in order to help ONCOA accomplish goals, objectives, and GTC directives within in their work plans as well as those set in the Oneida Reservation Comprehensive Plan.

VIII. Client Approval A signed copy of the CIP-05 Form is attached indicating approval by client's division director.

ATTACHMENT: FORM CIP-05

CORPORATE CHARTER AND BY-LAWS

OF THE

ONEIDA RESERVATION COMMISSION ON AGING

(A Corporation Chartered by the

Oneida Tribe of Indians of Wisconsin)

ARTICLE I. Name. The name of the Corporation shall be the Oneida Reservation Commission on Aging, hereinafter known as the Corporation.

ARTICLE II. Principal Office. The principal office of the Corporation shall be located at Oneida, WI. 54155. The recognized agent of the Corporation for all purposes shall be the Chairman of the Oneida Tribe of Indians of Wisconsin.

ARTICLE III. Duration. The duration of the existence of the Corporation shall be perpetual unless this charter is revoked by the Oneida Tribal Business Committee or the General Tribal Council of the Oneida Tribe of Indians of Wisconsin.

ARTICLE IV. Purposes. The purposes for which the Corporation is organized and shall be operated are to fulfill the following needs of the Senior Citizens of the Oneida Tribe of Indians:

Section 1. to provide for the relief of the elderly, to provide for them an adequate standard of living;

Section 2. to provide opportunities, not otherwise available, for the educational, physical, mental, social and economic development of the elderly Oneida Indian people in Wisconsin and

31-Jaws Rymc
5/27/86

especially on the reservation; and with Brown and Outagamie co.

Section 3. to provide an instrumentality through which the elderly of the Oneida Tribe can realize their right to freedom and independence, also the right to income in retirement; can expand or improve the welfare, health, housing, safety, human rights, education, employment, and economic security in the aforesaid areas free from discrimination because of age;

Section 4. to create human economic resources within the aforesaid reservation and its environs which can alleviate poverty and the conditions of poverty where it exists among the elderly, to provide appropriate care when and if required;

Section 5. to guarantee that the right to be heard on matters concerning the lives of the elderly, themselves, be honored;

Section 6. To develop a permanent and competent reservation-based leadership in the aforesaid reservation to carry out the objectives of the Corporation and to assure and encourage the broadest possible participation by individuals and groups and maximum Indian participation in planning, implementing, evaluating and administering the Corporation's community programs, policies and projects;

Section 7. This Corporation shall be non-profit and no part of the net earnings of the Corporation shall at any time inure to the benefit of any officer, commissioner, or any private individual, except that reasonable compensation may be paid for services rendered to or for the Corporation in furtherance of any of its expense purposes.

No substantial part of the activities of the Corporation shall include: (1) the carrying on of propaganda, (2) attempting to influence legislation, and (3) the Corporation shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of and candidate for public office or Tribal elected positions.

Article V. POWERS The Corporation is empowered:

Section 1. to buy, own, sell, assign, mortgage or lease any interest in real or personal property for such periods as may be authorized by law and to hold, manage, mortgage, and sub-lease the same;

Section 2. to borrow money and to issue evidence of indebtedness in furtherance of the purposes of the Corporation and to secure the same by mortgage, pledge or other lien upon the property of the Corporation;

Section 3. to sue and be sued in its corporate name to the extent allowed by law, the Oneida Tribe of Indians of Wisconsin hereby giving its irrevocable consent to allowing the Corporation to sue and be sued upon any contract, claim or obligation of the Corporation arising out of the accomplishment of its purpose and hereby authorizing the Corporation to waive any immunity from suit which it might otherwise have; provided, however, that neither the Oneida Tribe of Indians of Wisconsin, nor any of its property, shall be liable for the debts or obligations of the Corporation.

Section 4. all actions of the Corporation shall be governed

by and not inconsistent with the Tribal Constitution and Management System unless specifically excepted by a General Tribal Council resolution.

ARTICLE VI. ORGANIZATION. The members of the Corporation shall be the enrolled members of the Oneida General Tribal Council who are 55 years of age or older. The business and affairs of the Corporation shall be managed by a Board of Commissioners composed of at least 9 commissioners. The initial commissioners are the following persons:

1. Hurley Parkhurst Chairman
2. Edison Metoxen Vice Chairman
3. Evelyn Cornelius Secretary/Treasurer
4. Mamie Ryan
5. Margaret Skenandore
6. Harvey Metoxen
7. Evelyn Metoxen
8. Chester Smith
9. Edmund Powless

Successor commissioners shall be selected by the members from within the General Tribal membership of the Oneida Reservation Commission on Aging as provided in the by-laws of the Corporation and shall serve for two (2) years terms. The Board of Commissioners shall hold regular monthly meetings at such time and place as the Board may designate. Special meetings may be called as provided in Article III of the by-laws by the Chairman of the Board of Commissioners of the Corporation.

Vacancies caused by the death or resignation of a commissioner or his removal from office by the Tribal Business Committee, the Oneida General Tribal Council or Oneida Reservation Commission on Aging shall be filled by the Oneida Reservation Commission on Aging to serve the unexpired term; of the Commissioner being replaced.

commissioners. All ~~action~~ of the Board must be approved by a majority of the commissioners. The Board of Commissioners may make or amend by-laws providing for the regulation of the internal affairs of the Corporation not inconsistent with the terms of this Charter, the Tribal Management system, or the Tribal Constitution.

ARTICLE VII. OFFICERS AND EMPLOYEES. The officers of the Corporation shall be the President, the Vice-President, and the Secretary/Treasurer, and shall be selected by and from among the Board of Commissioners as provided in Article IV, of the by-laws of Corporation. The officers shall perform such duties as directed by the Board. The Commissioners may also appoint a director and such other employees as may be necessary to carry out the purposes of the Corporation.

ARTICLE VIII. AMENDMENT. This Charter may be revoked or amended by the Oneida Tribal Business Committee, provided that any such action of the Oneida Tribal Business Committee may be rescinded by the Oneida General Tribal Council at its next regular meeting.

ARTICLE IX. DISTRIBUTION OF ASSETS. Upon dissolution of the Corporation, the Board of Commissioners shall, after paying or making provisions for paying all liabilities of the Corporation, dispose of all assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable or educational purposes as shall at the time qualify as an exempt organization or organizations under section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision

of any future United States Internal Revenue Law.)

ARTICLE X. NO LIABILITY OF OFFICERS, ETC. any agree-
ment, obligation, paper, action, or liability made, entered into
or incurred by or on behalf of the Corporation shall bind only
the Corporation and the property of the Corporation alone, and
neither the Oneida Tribe of Indians of Wisconsin nor any member,
director, or officer of the Corporation or of the Tribe shall
be held to any liability there fore.

April 18 1975
DATE

William C. [unclear]
SECRETARY

ATTACHMENT 2

Oneida Tribe of Indians of Wisconsin

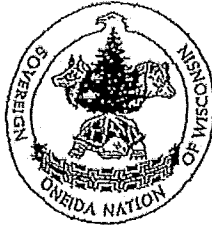
Post Office Box 365

Phone: (414) 869-2214

Oneida, WI 54155



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATERIE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

GENERAL TRIBAL COUNCIL
RESOLUTION GTC # 7-11-94-E

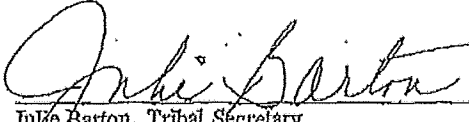
- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian Government and a treaty tribe recognized by the laws of the United States of America, and
- WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of Indians of Wisconsin; and
- WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- WHEREAS, the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and
- WHEREAS, Article III, Section 4 of the Constitution By-Laws for the Oneida Tribe of Indians of Wisconsin as adopted November 14, 1936, and as of November 28, 1969 states that "The General Tribal Council shall meet on the first Monday of January and July", and
- WHEREAS, the established day (Monday) of January and July may have conflicting National Holidays, other activities of the Tribe, or possible deaths in the community that interfere with the actual ability to meet, and
- WHEREAS, it is the desire of the elders to sponsor a yearly Homecoming or Gathering of Oneida event, to coincide with the semi-annual meeting of July separate from the Oneida Pow-Wow, and
- WHEREAS, it is the intent of the elected Business Committee to uphold the wishes of our elders and to give them proper recognition as to their contribution to our existence as Oneida people, and
- NOW, THEREFORE BE IT RESOLVED: that the elected body, the Oneida Tribal Business Committee, utilize discretionary measures to schedule the General Tribal Council meetings in the closest proximity to the designated days according to the Constitution, and
- BE IT FURTHER RESOLVED: that a task force to include as many elders as possible be established to adhere to their desire to have an Oneida Homecoming or a Gathering of Oneidas event in coordination with the semi-annual meeting, and
- BE IT FINALLY RESOLVED: that the elected body, the Oneida Business Committee, develop a method of recognition for the elders for their contribution to our existence as an Oneida people,

RESOLUTION 7-11-94-B

Page 2 of 2

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum present at a semi-annual meeting duly called, noticed, and held on the 11th day of July 1994; that the foregoing resolution was duly adopted at such meeting by a unanimous vote of those present and that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee

Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040



UQWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

Resolution 2-09-00-A
Revocation of Charter for ORCOA

- WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and
- WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- WHEREAS, the Oneida Nation Commission On Aging, hereafter ONCOA, was established and constituted for the purpose of addressing and advising on issues pertaining to the treatment of Elders of the Oneida Nation both on and off the Oneida Reservation, and
- WHEREAS, ONCOA was first created by the Oneida Business Committee in 1978 as the Oneida Reservation Commission on Aging (ORCOA) pursuant to a duly enacted Charter and By Laws for the same purposes set forth above but with an existence independent of the Oneida Tribal administrative structure by formal action of the OBC on February 20, 1978, and
- WHEREAS, the ORCOA Charter has been superseded by the most recently approved By Laws of ONCOA, by the OBC on June 10, 1998 which recites the present duties and responsibilities and is now considered the governing document by the ONCOA Board, and
- WHEREAS, it is the considered determination of the ONCOA Board that the ORCOA Charter granted by the OBC pursuant to OBC Resolution should be revoked by formal action of the Oneida Business Committee to prevent and avoid confusion, and

Page Two
Resolution 2-09-00-A

WHEREAS, the ONCOA Board has further determined that the revocation of the ORCOA Charter will not diminish or compromise ONCOA's duties and responsibilities to the Oneida Elderly and that elderly services available both in and outside of the Oneida Tribe will continue as in the past, and

WHEREAS it is the desire and determination of the ONCOA Board that all founding members of the original ORCOA Board and their successors be recognized for their valuable contributions to Oneida Elders in past years.

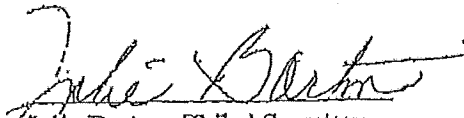
NOW THEREFORE BE IT RESOLVED, that the Charter granted to the Oneida Reservation Commission On Aging by the Oneida Business Committee on February 20, 1978 and amended on May 27, 1986 is hereby formally revoked in its entirety and is superseded by the Oneida Nation Commission On Aging By Laws adopted by the Oneida Business Committee on June 10, 1998, and

BE IT FURTHER RESOLVED, that the original members of ORCOA and their successors shall be listed in the historical record of the Oneida Tribe for their invaluable contributions and achievements on behalf of Oneida Elders in years past, and

FINALLY BE IT RESOLVED, that a Notice and History be published as soon as possible in the KALHIWISAKS setting forth this action and reciting the good works of the ONCOA Board's predecessors. This should be assigned to the Communications Department.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 7 members were present at a meeting duly called, noticed and held on the 9th day of February, 2000; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

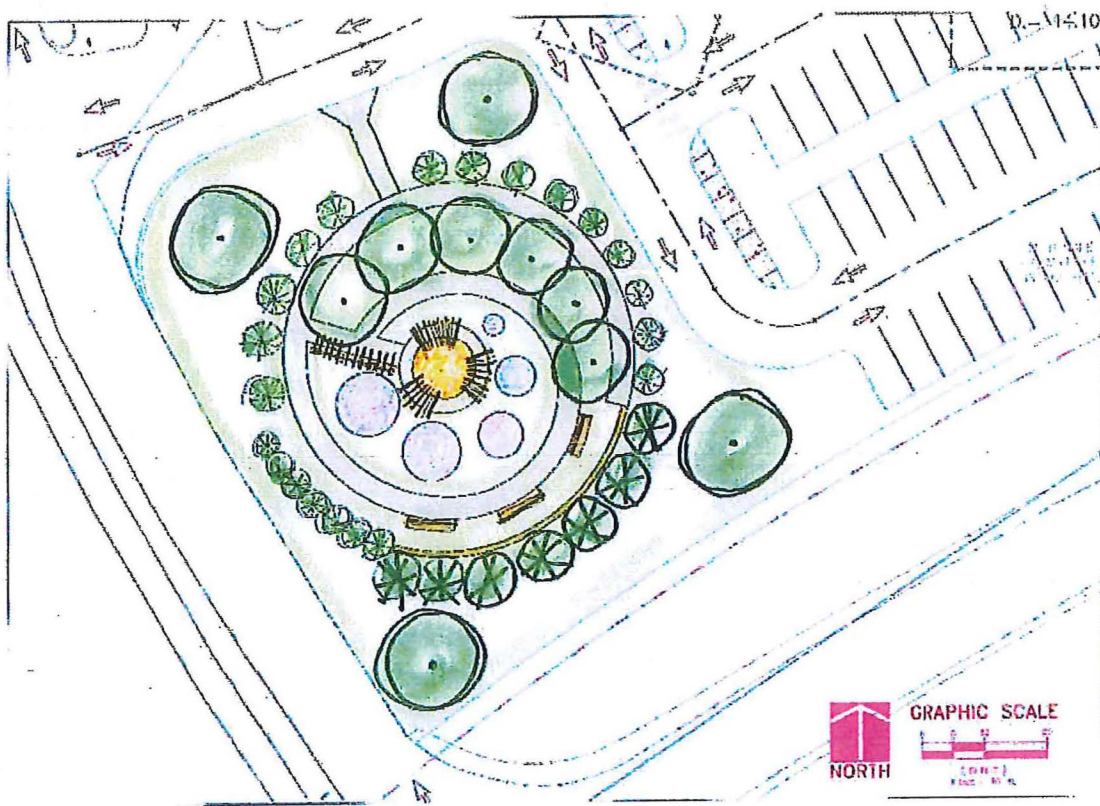

Julie Barton, Tribal Secretary
Oneida Business Committee



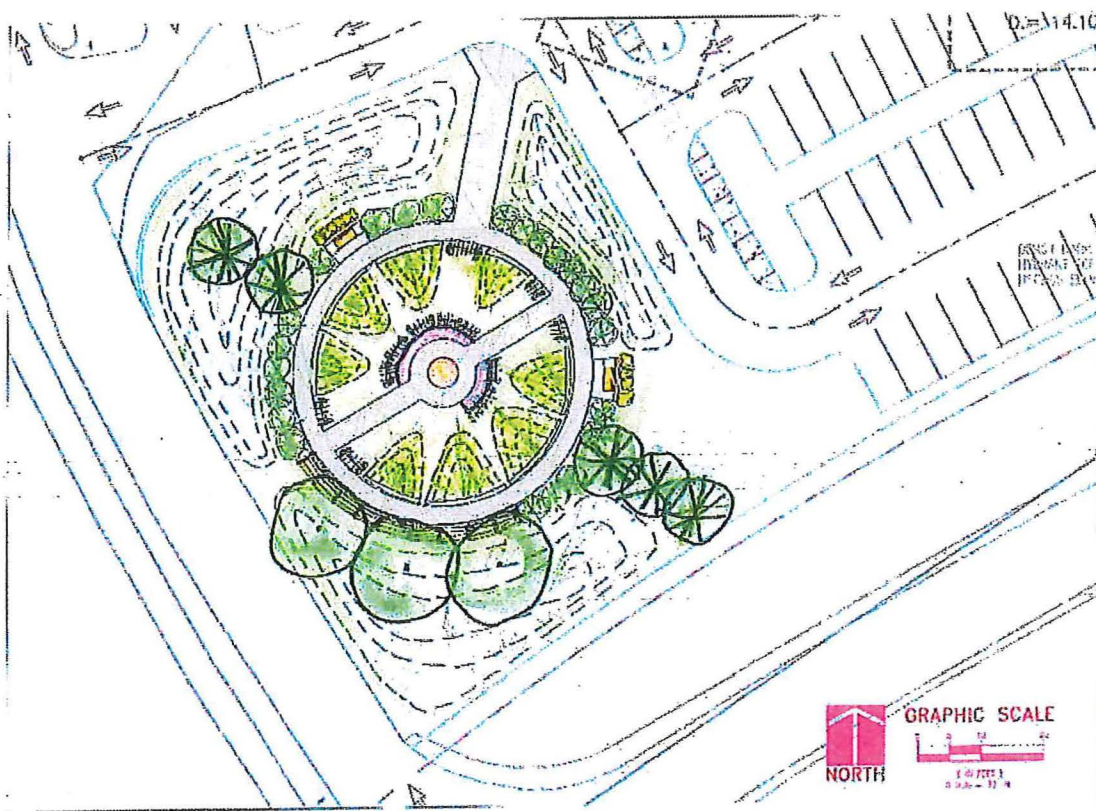
ELDERS MEMORIAL

ONCOA BOARD
ONEIDA NATION

CONCEPT PLANS - RED



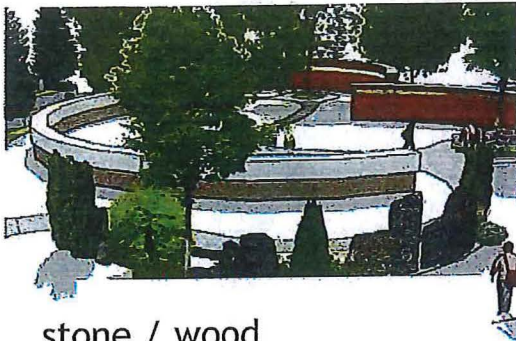
CONCEPT PLANS - GREEN



CONCEPT PLANS - BLUE



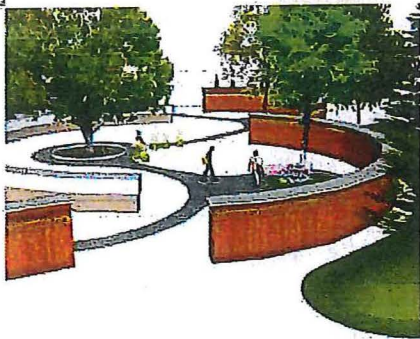
MATERIAL OPTIONS



stone / wood



stone



wood



STANDING STONE - AERIAL VIEW



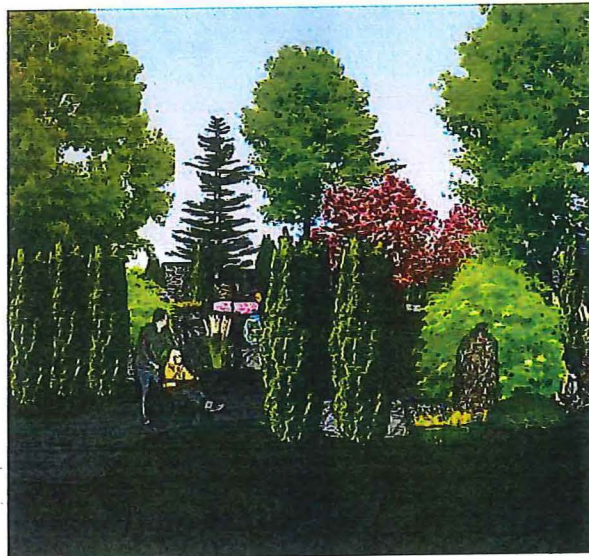
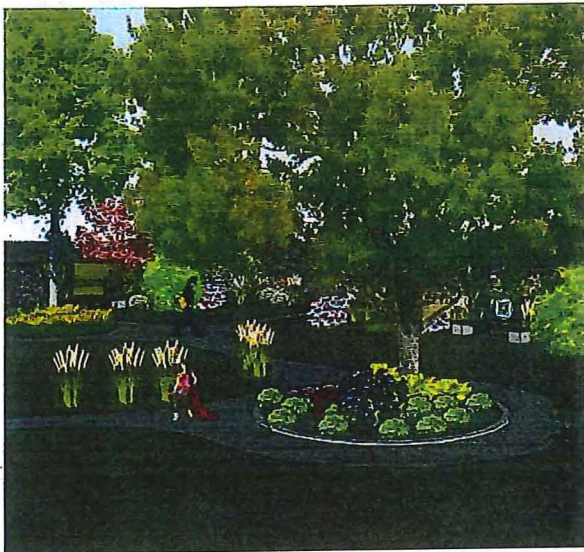
STANDING STONE - PAN VIEW



STANDING STONE - NORTH VIEW



STANDING STONE - GROUND VIEWS



CONSTRUCTION ESTIMATE

Project Estimate

Project Name Elders Memorial
 Project Number
 Date 16-Nov-16

ITEM	Quantity	Unit	Cost	Subtotal
Grading	258	cyds	\$ 903.00	\$ 903.00
Bermling	187	cyds	\$ 8,171.00	\$ 8,171.00
Seeding	1546	sqyds	\$ 3,932.00	\$ 5,932.00
Pavement	191	sqyds	\$ 4,534.00	\$ 4,534.00
Pavement Base	191	sqyds	\$ 770.00	\$ 770.00
Walls Masonary Walls with finished block face				
Wall 1				
Footing	46	lnft	\$ 1,107.00	
Foundation Wall	46	lnft	\$ 3,110.00	
Upper Wall	46	lnft	\$ 1,665.00	
Coping	46	lnft	\$ 1,955.00	
				\$ 7,837.00
Wall 2				
Footing	87	lnft	\$ 1,640.00	
Foundation Wall	87	lnft	\$ 5,881.00	
Upper Wall	87	lnft	\$ 3,937.00	
Coping	87	lnft	\$ 3,697.00	
				\$ 15,155.00
Wall 3				
Footing	124	lnft	\$ 2,353.00	
Foundation Wall	124	lnft	\$ 3,182.00	
Upper Wall	124	lnft	\$ 5,811.00	
Coping	124	lnft	\$ 5,270.00	
				\$ 23,616.00
Wall 4				
Footing	124	lnft	\$ 1,205.00	
Foundation Wall	124	lnft	\$ 4,529.00	
Upper Wall	124	lnft	\$ 3,032.00	
Coping	124	lnft	\$ 2,817.00	
				\$ 11,683.00
Trees				
Evergreen Trees	13	ea	\$ 12,350.00	\$ 12,350.00
Deciduous Trees	6	ea	\$ 4,500.00	\$ 4,500.00
				\$ 91,462.00

CONSTRUCTION ESTIMATE

Ronald L. Melchert

From: Ronald L. Melchert
 Sent: Thursday, February 16, 2017 8:21 AM
 To: 'Dave Berken'
 Subject: RE: elders memorial

Thanks Dave

From: Dave Berken [mushrodberken68@gmail.com]
 Sent: Wednesday, February 15, 2017 12:13 PM
 To: Ronald L. Melchert
 Subject: Re: elders memorial

Ren

I'm working on calculations for the walls using limestone pieces. Per your sketches, I figure that by using Lannon limestone to create the "Stonehenge" look the quantity would be in the range of 120 ton of stone. I'm figuring cresting wall clusters (similar to your drawing) using approximately 7 pieces of stone in a length of approx. 15-18ft. Each cluster would use the following: 1 - 4x8x6-8" piece, 2 - 3x7x6-8" pieces, 2 - 2.5x3x6-8" pieces, 2 - 2x6x6-8" pieces. Now, these measurements are all nominal and each stone would be approximately that size and the idea would be that each wall cluster would look unique but along the same scheme as each another. Obviously the larger the stone the more we have to bury into the ground so the stone is stable. If clustered and built together & somewhat overlapped they will be stable. We would backfill with gravel and compact with a rammer compactor.

120 ton Lannon Stone delivered to site

Equipment: Off Road Fork Lift, Skid Steer, Mini Excavator

5 Quads Crushed Gravel

Labor

Project Estimate \$90,000.00

Give me a call if you have any questions.
 I'm in the office all day today. 920-609-3547

Thanks
 DAVE

On Tue, Feb 14, 2017 at 1:47 PM, Ronald L. Melchert <rmelche1@construction.org> wrote:

Super

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 23 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: New Business

Accept as Information only

Action - please describe:

Requesting a motion for the Oneida Business Committee to approve support for allocating the Hillcrest Drive Decaster Building for lease to the DarJune Foundation, Inc., to be used as a sober living facility to help Tribal and Community members get immediate assistance and support with opiate and other addictions. We are requesting a renewable annual lease of the building be considered.

3. Supporting Materials

Report Resolution Contract

Other:

1. Verbal Presentation

3. [Empty text box]

2. Home Use Proposal

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Daniel Guzman King, Councilman

Primary Requestor/Submitter: Amanda Suthers, Founder & CEO, DarJune Foundation, Inc.
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Paula Jolly, Manager, DarJune Foundation, Inc.
Name, Title / Dept.

Additional Requestor: Linda Rydberg, Program Director, DarJune Foundation, Inc.
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The DarJune Foundation, Inc., is respectfully submitting this request, supporting the Resolution that was passed by the Oneida Nation on May 10, 2017, in response to the opiate epidemic challenges that are being faced within the Tribal and surrounding communities.

Our main focus is getting people help with treatment and offering recovery coaches as a way to support their recovery. We currently have a women's sober living house in Green Bay, The Spoehr House. We have 7 women who currently reside in the house and have found the sober living environment is crucial to their recovery efforts. The women support each other and hold each other accountable, which is imperative in every phase of recovery. This general model will be used as a basis for the 2-phase program being proposed for the Decaster Building.

EXPEDITION RECOVERY, a division of the DarJune Foundation, Inc.

Off the Streets Program - Phase 1

Phase 1 residents are provided modest accommodations (i.e., a bed and a shelf for their belongings). Residents are required to attend daily meetings where they are introduced to the core concepts of recovery. Participants are challenged daily to practice sober living skills acquired through interactions with peers who provide guidance, support, and model appropriate social and life skills. Phase 1 residents will learn the basics of personal accountability to the group, and begin to move away from the "street" mentality. After an initial period of being restricted on-property, clients are allowed to sign out and be with friends/family on weekends during specific hours. All residents are required to complete daily job assignments and fulfill the requirements of the recovery program.

Off the Streets Program - Phase 2

Phase 2 residents are required to complete daily job assignments in food preparation, housekeeping, and building/grounds maintenance, as well as fulfill the requirements and the responsibilities of the formal program of recovery. The program gives an overview of the physical, mental, and spiritual nature of drug addiction and provides a systematic application of the principles to their daily lives. Residents are also required to attend outside AA/NA meetings and are encouraged to get a sponsor and a home group. Phase 2 residents must work with a staff member or recovery coach to develop a concrete "plan of action" for resolving life skills issues and integrating back into the community.

The continuing care consists of the following 5 areas:

1. Education
2. Employment
3. Legal Aid
4. Housing
5. Budget and Credit Counseling

All residents entering Phase 1 or Phase 2 of the program will be assigned a Certified Recovery Coach. Meetings with their recovery coach will be held on a steady, consistent basis. During these meetings, personal issues and concerns are brought up and addressed directly. The emphasis on personal responsibility, self-discipline, and accountability provides the primary catalyst of personal change for the recovering addict.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept Incentive S.O.P. with Appropriate Forms for all employees who report to the O.B.C.

Requested Action: To approve the Incentive SOP entitled Employee Incentive Distribution for Business Committee Direct Reports and the associated forms.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Laura Laitinen-Warren, Senior Policy Advisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Jessica Wallenfang, Executive Assistant
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose: For the BC to approve the 2018 Incentive SOP and the appropriate forms to determine the payment total for all employees who report to the BC.

Background: On November 14, 2017 the Oneida Human Resources Department issued a memo stating that all employees are eligible for an Incentive with the approval of an Incentive SOP by the HR EEO Department.


OBC employees created multiple drafts of potential Incentive SOP's and disbursement over the past four months. The BC Officers reviewed the final drafts during executive session.

Requested Action: Requested Action: To approve the Incentive SOP entitled Employee Incentive Distribution for Business Committee Direct Reports and the associated forms.

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

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

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

 <p>ONEIDA STANDARD OPERATING PROCEDURE</p>	<p>TITLE: Employee Incentive Distribution for Business Committee Direct Reports</p>	<p>ORIGINATION DATE: <i>December 21, 2017</i> EFFECTIVE DATE: <i>After last signature</i></p>
<p>AUTHOR: Laura Laitinen-Warren, Senior Policy Advisor & Jessica Wallenfang,</p>	<p>Approved by:</p>	<p>DATE:</p>
<p>DEPARTMENT:</p>	<p>Compliance Review by: <i>EEO Director</i></p>	<p>DATE</p>
<p>EEO Reference Number: 716</p>	<p>Approved by: <i>HRD Manager</i></p>	<p>DATE:</p>
<p>Page 1 of 3</p>		

1 PURPOSE

- 1.1 To establish a standardized process for the distribution of employee incentives for Oneida Business Committee's Direct Reports.

2 DEFINITIONS

- 2.1 Core Values: The Good Mind as expressed by On[^]yote'a'ka, as defined in BC Resolution BC-11-12-14-B, Re-Affirmation of Core Values.
- 2.2 Designee: A politically-appointed employee to the Business Committee that has the authority to act on behalf of an elected member of the Oneida Business Committee in processing incentives.
- 2.3 Direct Reports: Oneida Business Committee Executive Assistants, Chairperson's Senior Policy Advisor, Legislative Reference Office Director, Audit Manager, Emergency Management Director, and Organizational Development Specialist and also positions within the Tribe as defined in BC Resolution 11-26-14-C, Setting Supervision and Management of Direct Reports for the Oneida Business Committee (Currently Chief Legal Counsel, Community & Economic Development Division Director, Comprehensive Health Division Director-Operations, Comprehensive Health Division Director-Medical, Comprehensive Housing Director, Environmental Health & Safety Division Director, Gaming General Manager, Governmental Services Division Director, Human Resources Area Manager, Intergovernmental Affairs, Communications and Self Governance Director, Internal Services Division Director, Land Management Division Director, Retail Area Manager) and Assistant Division

- Director of Development, and Chief Financial Officer.
- 2.4 Immediate Recognition: Acknowledgement for excellent work behaviors or work activities.
 - 2.5 Incentive: An employee reward intended to motivate and recognize achievements and positive behavior.
 - 2.6 Long-Term Recognition: Acknowledgment for accomplishing a long-term goal successfully.
 - 2.7 Measurable Criteria/Metrics: Specific criteria used for measuring progress towards a goal.
 - 2.8 S.M.A.R.T.:
 - 2.8.1 Specific (simple, sensible, significant).
 - 2.8.2 Measurable (meaningful, motivating).
 - 2.8.3 Achievable (agreed, attainable).
 - 2.8.4 Relevant (reasonable, realistic and resourced, result-based).
 - 2.8.5 Time bound (time-based, time limited, timely, time-sensitive).

3 WORK STANDARDS

Immediate Recognition Incentives

- 3.1 All immediate recognition employee incentives will be distributed in alignment with the FY2018 Employee Incentive Standard Operating Procedure.
- 3.2 May not exceed \$125.00 per employee per year.
- 3.3 May not be a lump sum payment.
- 3.4 Immediate recognition incentives may be awarded to Direct Reports whose measurable actions have:
 - 3.4.1 Created a process improvement.
 - 3.4.2 Resolved a challenging stakeholder/customer situation in a timely manner.
 - 3.4.3 Contributed to enhancing or building a positive team environment.
 - 3.4.4 Demonstrated behaviors in alignment with Oneida's Core Values, The Good Mind

Long-Term Recognition Incentives

- 3.5 All immediate recognition employee incentives will be distributed in alignment with the FY2018 Employee Incentive Standard Operating Procedure.
- 3.6 May be taxed based upon IRS regulations.
- 3.7 May only be awarded third and fourth quarters.
 - 3.7.1 May not exceed \$200.00 per quarter per employee.
- 3.8 Long-term recognition incentives may be awarded to Direct Reports whose measurable actions have:
 - 3.8.1 Assisted in accomplishing a long-term strategic goal or objective that supports a divisional strategy.
 - 3.8.2 Assisted in accomplishing a long-term strategic goal or objective that supports a National strategy.

4 PROCEDURES

- 4.1 Business Committee member or designee determines an employee qualifies for an incentive.
- 4.2 Business Committee member or designee reviews the incentive line to verify funds are available.
- 4.3 Business Committee member or designee completes the first two boxes on the Incentive Request form.
 - 4.3.1 The measurable actions identified for the receipt of the incentive will be documented in the form.
- 4.4 Business Committee member or designee submits email with the completed Incentive Request form attached to the Vice Chairman's office requesting placement on the next officer meeting agenda.
- 4.5 Approved incentive requests will then be scheduled for distribution with the employee.
- 4.5 The employee will sign documentation upon receipt of incentive.
 - 4.5.1 May be an Incentive Receipt Form for individual incentives.
 - 4.5.2 May be a meeting sign-in sheet for group incentives.
- 4.6 Incentive Request and Receipt Forms will be submitted to the Human Resources Department.

5 FORMS

- Matrix for Long Term Recognition
- Matrix for Short Term Recognition
- Incentive Request Form
- Incentive Receipt Form

6 REFERENCES

- SOP-FY2018 Employee Incentives
- HR Area Manager Memorandum dated 11/14/17
- Resolution BC-11-12-14-B
- Resolution BC-11-26-14-C



Oneida Nation FY2018 Incentive Request Form

Today's Date: _____

Employee's Name: _____ Emp. #: _____

Division: _____ Department: _____

Manager/Supervisor: _____ Phone: _____

(Please Print Legal Name)

Employee Incentive

Amount of Lump Sum Payment (not to exceed \$200 per quarter): \$ _____

According to the approved Department Incentive SOP, please state the reason the employee is receiving the above recommended incentive:

Approvals: (If there isn't a level within the chain of command approval process, write N/A)
(Please Circle)

Approve or Deny	Supervisor's Signature	Date
Approve or Deny	Manager Level Signature	Date
Approve or Deny	Director Level Signature	Date
Approve or Deny	Area Manager/Director Level Signature	Date
Approve or Deny	Division Director/GM Level Signature	Date

Upon final approval, please meet with employee to have employee sign the Incentive Receipt Form.



Oneida Nation FY2018 Incentive Receipt Form

Employee Acknowledgement of Incentive

By signing this form, I verify that I have received the following incentive as defined within Department or Division Incentive SOP.

I understand that I will be taxed at the appropriate amount on the paycheck when the incentive is paid.

Employee's Name: _____ Emp. #: _____
(Please Print Legal Name)

Type of Incentive: _____ Amount: \$ _____

(Employee's Signature) (Date)

Employee Refusal of Incentive

I am refusing the Incentive amount.

Employee's Name: _____ Emp. #: _____
(Please Print Legal Name)

Send this Signed, Receipt Form as PDF document to HRD – HRIS Department,
Mdanfor2@oneidanation.org or Tskenan@oneidanation.org

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 4 / 25 / 18 e-poll requested

2. General Information:

Event Name: Tribal Caucus and Inter-Tribal Criminal Justice Council Meeting

Event Location: LCO Hayward, WI Attendee(s): Lisa Summers

Departure Date: May 23, 2018 Attendee(s): Jessica Wallenfang

Return Date: May 24, 2018 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
 Unbudgeted
 Grant Funded or Reimbursed

Cost Estimate: 300

4. Justification:

Describe the justification of this Travel Request:

Both of these areas are assigned liaison responsibilities. Participation at these forums assist in continued efforts to advance policy items the exercise of Oneida's sovereignty goals. Additionally, Oneida is one of the facilitators for the CJCC. Jessica Wallenfang is going to assist in being a facilitator at this meeting.

5. Submission

Sponsor: Lisa Summers, Secretary

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

**BC Resolution # 01-24-18-A
Amending resolution # BC 08-30-17-A Appointment of Liaison
Responsibilities for Organization Entities**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee has determined that the appointment of liaisons to various boards, committees, commissions, and organization units fosters communication and understanding between the organization entities and the Oneida Business Committee; and
- WHEREAS,** the Oneida Business Committee adopted resolution # BC 08-30-17-A, which appointed liaison representatives for organization entities;
- WHEREAS,** the Oneida Business Committee has met, determined additional changes are needed, and determined who should be appointed to serve as liaison to the organization entities;

NOW THEREFORE BE IT RESOLVED, that the following liaison appointments are adopted for the 2017-2020 term of the Oneida Business Committee:

Ref #	Entity	Primary	Alternate
Corporations			
C1	Oneida Airport Hotel Corporation	Kirby Metoxen and Daniel Guzman	Patricia King
C2	Bay Bancorporation, Inc.	David P. Jordan	Ernest Stevens III and Daniel Guzman
C3	Oneida ESC Group, LLC	Lisa Summers and Ernest Stevens III	Patricia King and Daniel Guzman
C4	Oneida Golf Enterprise Corporation	Patricia King	Tehassi?tasi Hill, Lisa Summers and Ernest Stevens III
C5	Oneida Seven Generations Corporation	Brandon L. Yellowbird-Stevens	Patricia King and Lisa Summers

Ref #	Entity	Primary	Alternate
Boards, Committees, Commissions			
<i>Regulatory/Hearing Body</i>			
R1	Oneida Election Board	Tehassi?tasi Hill	Lisa Summers
R2	Oneida Environmental Resource Board	Daniel Guzman and Ernest Stevens III	Jennifer Webster
R3	Oneida Gaming Commission	Kirby Metoxen	Brandon L. Yellowbird-Stevens
R4	Oneida Land Commission	Patricia King	Jennifer Webster and Tehassi?tasi Hill
R5	Pardon and Forgiveness Screening Committee	Brandon L. Yellowbird-Stevens	Jennifer Webster
R6	Oneida Personnel Commission	Tehassi?tasi Hill	Kirby Metoxen
R7	Oneida Police Commission	Lisa Summers and Ernest Stevens III	Daniel Guzman
R8	Oneida Nation School Board	Brandon L. Yellowbird-Stevens	Ernest Stevens III and Daniel Guzman
R9	Oneida Trust Enrollment Committee	Kirby Metoxen	Not Applicable
<i>Advisory</i>			
A1	Anna John Resident Centered Care Community Board	Jennifer Webster	Daniel Guzman
A2	Oneida Nation Arts Board	Kirby Metoxen	Daniel Guzman and Jennifer Webster
A3	Oneida Nation Commission on Aging	Jennifer Webster and Lisa Summers	Daniel Guzman
A4	Hall Of Fame Selection Committee	Ernest Stevens III	Lisa Summers
A5	Oneida Land Claims Commission	Kirby Metoxen	Lisa Summers and Jennifer Webster
A6	Oneida Library Board	Tehassi?tasi Hill	David P. Jordan
A7	Oneida Pow-wow Committee	Ernest Stevens III	Jennifer Webster
A8	Southeast Wisconsin Oneida Tribal Services Advisory Board	Kirby Metoxen and Daniel Guzman	Ernest Stevens III
A9	Oneida Nation Veterans Affairs Committee	Jennifer Webster	Lisa Summers and Daniel Guzman
Governing Responsibility / Organizational Group			
G1	Head Start Policy Council	Jennifer Webster	Kirby Metoxen
Standing Committees			
S1	Audit Committee	David P. Jordan, Lisa Summers, Ernest Stevens III, and Tehassi?tasi Hill	
S2	Community Development & Planning Committee	Patricia King, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman, and Brandon L. Yellowbird -Stevens	
S3	Finance Committee	Patricia King, Jennifer Webster, and Daniel Guzman	
S4	Judiciary Standing Committee	Tehassi?tasi Hill, David P. Jordan, and Lisa Summers	
S5	Legislative Operating Committee	David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, and Daniel Guzman	
S6	Quality of Life Committee	Daniel Guzman, Kirby Metoxen, Brandon L. Yellowbird-Stevens, Tehassi?tasi Hill, and Ernest Stevens III	

Ref #	Entity	Primary	Alternate
Membership Representation - External Entity			
M1	Great Lakes Inter-Tribal Council, Inc. http://www.glitc.org/	Tehassi?tasi Hill	Brandon L. Yellowbird-Stevens
M2	Haskell Indian Nations University National Board of Regents	Brandon L. Yellowbird-Stevens	Ernest Stevens III and Jennifer Hill Kelley
M3	Hobart, Ashwaubenon, Lawrence, Oneida	Tehassi?tasi Hill	OBC
M4	Midwest Alliance of Sovereign Tribes http://www.m-a-s-t.org/	Tehassi?tasi Hill	OBC
M5	National Congress of American Indians http://www.ncai.org/	Tehassi?tasi Hill	OBC
M6	National Indian Gaming Association http://www.indiangaming.org/	Brandon L. Yellowbird-Stevens	OBC
M7	Native American Finance Officers Association http://www.nafoa.org/	Trish King	Daniel Guzman, Kirby Metoxen, and Lawrence Barton
M8	Native American Tourism of Wisconsin http://natow.org/	Kirby Metoxen	OBC
M9	Natural Resource Damage Assessment https://darrp.noaa.gov/about-darrp/natural-resource-damage-assessment	Tehassi?tasi Hill	Patrick Pelky, Kirby Metoxen, Daniel Guzman, and Ernest Stevens III
M10	Regional Tribal Operations Committee https://www.epa.gov/tribal/region-5-tribal-program	Tehassi?tasi Hill	Ernest Stevens III, Daniel Guzman, and Jeff Mears
M11	Religious Practices Advisory Committee https://doc.wi.gov/	Melinda J. Danforth	Jennifer Webster and Daniel Guzman
M12	Tribal Treasury Advisory Committee https://www.nafoa.org/resources/tribal-treasury-advisory-committee	Trish King	Not Applicable
M13	Tribal Technical Advisory Group https://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/Tribal-Technical-Advisory-Group.html	Jennifer Webster	Daniel Guzman, Melinda J. Danforth, and Debra J. Danforth
Local Government Relations			
L1	Greater Green Bay Chamber of Commerce http://www.greatergbc.org/	Louise Cornelius/ Ernest Stevens III	Daniel Guzman and Jennifer Webster
L2	Greater Green Bay Convention & Visitors Bureau https://www.greenbay.com/	Steve Ninham/Kirby Metoxen	Daniel Guzman
L3	Service and Cooperative Agreements: <i>Ashwaubenon, Village of</i> <i>Brown, County of</i> <i>Green Bay, City of</i> <i>Hobart, Village of</i> <i>Oneida, Town of</i> <i>Outagamie, County of</i>	Tehassi?tasi Hill, Patricia King, Lisa Summers, and Brandon L. Yellowbird-Stevens	

Ref #	Entity	Primary	Alternate
State Government Relations			
W1	Department of Administration	Tehassi?tasi Hill and Brandon L. Yellowbird-Stevens	Lisa Summers and Patricia King
W2	Department of Agriculture, Trade and Consumer Protection	Daniel Guzman, Ernest Stevens III, and Jennifer Webster	OBC
W3	Department of Corrections	Lisa Summers and Brandon L. Yellowbird-Stevens	OBC
W4	Department of Financial Institutions	Patricia King and Ernest Stevens III	OBC
W5	Department of Health Services	Jennifer Webster and Daniel Guzman	OBC
W6	Department of Justice	Lisa Summers	Brandon L. Yellowbird-Stevens
W7	Department of Natural Resources	Ernest Stevens III and Daniel Guzman	OBC
W8	Department of Revenue	Patricia King and Daniel Guzman	OBC
W9	Department of Tourism	Kirby Metoxen	Ernest Stevens III and Jennifer Webster
W10	Department of Transportation	David Jordan	Kirby Metoxen, James Petitjean, and Travis Wallenfang
W11	Department of Workforce Development	Brandon L. Yellowbird-Stevens	OBC
W12	Inter-Tribal Criminal Justice Council	Lisa Summers	OBC
W13	Special Committee on State Tribal Relations	Lisa Summers	Not Applicable
W14	Wisconsin Council on Problem Gambling	Kirby Metoxen	Brandon L. Yellowbird-Stevens
W15	Wisconsin Minority Health Leadership Council	Jennifer Webster	Kirby Metoxen and Daniel Guzman
W16	Wisconsin Tribal Conservation Advisory Council	Ernest Stevens III	Daniel Guzman, Lisa Summers, and Patrick Pelky

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 24th day of January, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

Lisa Summers, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Dr. Ravinder Vir, Medical Director & Debra Danforth, Operations Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Comprehensive Health Division

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing



ONEIDA COMPREHENSIVE HEALTH DIVISION
DR. RAVINDER VIR MEDICAL DIRECTOR
DEBRA DANFORTH, RN, BSN, OPERATIONS DIRECTOR
DIVISION UPDATE
Quarter 2 - FY 2018
January 2018- March, 2018

**Executive Management Team:**

Division Dir-Operations, Debra Danforth RN, BSN,	869-4807
Division Dir-Medical, Ravinder Vir, MD,	869-4808
Asst. Operations Director, Vacant,	869-4809
Executive Assistant, Mercie Danforth	869-4810
Business Operations Director, Jeff Carlson,	869-4805
Director of Nursing-OCHC, Sandra Schuyler,	869-4906
Behavioral Health Manager, Mari Kriescher,	490-3737
Employee Health Manager, Mary Cornelissen	405-4492
Public Health Officer, Eric Krawczyk,	869-4812
AJRCCC Continuum of Care Director, Dave Larson	869-2797
	869-4820

Mailing Address: P.O. Box 365, Oneida, WI 54155
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing

525 Airport Rd., Oneida, WI 54155
2640 West Point Rd., Green Bay, WI 54304
2901 S. Overland Rd., Oneida, WI 54155
701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711
Phone: (920) 490-3790 or 1-888-490-2457
Phone: (920) 869-2797
Phone: (920) 405-4492

Fax: (920) 869-1780
Fax: (920) 490-3883
Fax: (920) 869-3238
Fax: (920) 405-4494

THE ONEIDA COMPREHENSIVE HEALTH DIVISION IS COMPRISED OF:

Oneida Community Health Center (OCHC)
Anna John Resident Centered Care Community (AJRCCC)
Oneida Behavioral Health (OBH)
Employee Health Services (EHS)

VISION:

A progressive sustainable health system that promotes Tsi?niyukwaliho t^ (Our Ways).

MISSION:

We provide the highest quality, holistic health care to ensure the wellness of OUR Oneida Community.

VALUES:

Responsive Leadership: *Consistent attentive listening, honesty, doing the right thing, timely decision making and seeing issues resolved to completion.*

Culturally Sensitive: *Meeting people where they are and being sensitive to their unique needs as human beings within the Oneida Community.*

Continuous Improvement: *Striving to achieve a higher quality of health care and a higher performing workforce through our Commitment to Learning and Growth.*

Communication: *Fostering honest, respectful and timely communication with the appropriate level of transparency.*

Safety: *Striving for an environment that provides the highest level of physical and emotional safety for our patients, employees and community in an environment free of fear, retaliation and repercussion.*

Respect: *Create a welcoming and compassionate environment focused on the individual needs of OUR community and Health Care Team*

OUR 2015-2018 STRATEGIC PLAN IS FOCUSED IN FOUR SPECIFIC AREAS:

1. Improve Population Health Management
2. Continuous Quality Improvement
3. Optimize Technology
4. Enhance Our Workforce

OUR 2015-2018 INITIATIVES THAT WILL BE FOCUSED TO ACHIEVE OUR STRATEGIES:

1. **Accreditation:** The Comprehensive Health Division will validate and assure the community the delivery of the highest quality health care services in achieving AAAHC (Accreditation Association for Ambulatory Health Care) accreditation by December 2017 through team work, leadership and commitment. By accomplishing accreditation we will provide staff a sense of accomplishment, increase quality of care, enhance public validation for community/customer satisfaction, improve recruitment/retention of providers, and increase the probability of outside funding.
****Submission has been delayed to August, 2018.**
2. **Advancing Technology:** Utilize innovative State of the Art technology and data analytics to continuously improve wellness and health outcomes.
3. **Optimize staffing processes:** To work collaboratively with HRD to enhance the Division processes for recruitment, hiring, and retention and provide recommendation (s) for change to the Oneida Business Committee by September 30, 2017-**GTC has placed the Employment Law on hold.** By enhancing the recruitment, hiring, and retention processes we will have a lean hiring practice, improve our recruitment and retention, enhance our services from HRD (letters, market analysis), have improved collaboration/working relationship with HRD, fill all vacancies with qualified people in a timely manner, and improve our Supervisor/Director satisfaction with HRD processes.

IMPROVE POPULATION HEALTH MANAGEMENT

Initiatives: Optimizing Staffing Processes and Accreditation

- We continue to have vacancies in Primary Care including Pediatrics, Family Practice and Internal Medicine
- Dianne Boex, Radiology Supervisor Retired on March 31, 2018
- Racheal Menomin is the Interim Radiology Supervisor
- Dr Patel and Dr Pareek started as Independent Contractor Psychiatrists at OBH
- Dr. Aggarwal, Child Psychiatrist started seeing patients every other week at OBH
- Dr Danby, Candice Crabb, NP and Anne Wells, NP have been on leave this quarter
- Mary Kreuger, LPN who retired from OCHC over 3 years ago passed away due to illness. Staff attended Funeral services and celebrated her life with a Potluck meal at OCHC
- Our no show rates have declined in the past quarter to 9.4 % in the Medical Clinic and 10.3 % at OBH

Medical

- Routine appointments are currently booking 4-8 weeks out for the Medical Clinic
- **See attachment A for Medical Clinic NO-SHOW data**

Behavioral Health

Improve our access to care, as of 4/1/18

- initial intakes are out
 - 5 weeks for Mental Health,
 - 6 weeks for Co Occurring,
 - 7 weeks for ATODA,
 - 8 weeks for Veteran Evaluation,
 - 15 weeks for Adult Psychiatry,
 - 6 weeks for Child Psychiatry and
 - 1 week for Psychology.
- Ongoing individual sessions are out
 - 1-4 week for Mental Health,
 - 1-4 week for Co Occurring,
 - 1-4 weeks in ATODA,
- For our follow up medication check appointments,
 - 3 weeks for Adult Psychiatry,
 - 8 weeks for Child Psychiatry and
 - 1 week for Psychology.
- We continue to provide walk in services with a Triage Counselor and Daily Wellness Support Services.
- **See attachment B for Behavioral Health NO-SHOW data.**
- **Access to Care** ongoing evaluation to meet the needs of the patients without hiring of additional staff and maintaining full staff. The positions are posted until filled. **Recruitment is a concern and maintaining competitive within our professional market.** We are completing a market analysis on our professional positions. We are planning to participate in a HRSA Virtual BH Recruitment in April. Mari is participating in the *Connections to Mental Wellness* committee. This committee looks at training new providers in this field.
- **We are also looking at Tele Health-** We are working on contracting with ReGroup Therapy to provide Tele Psych services on site at Behavioral Health. This will have to be added to our state license.

Optical

- Routine exams are booking 4 months out for Optical
 - Optical does have a walk-in clinic on Monday and Thursday mornings for patients who needs their appointments sooner. A sign-up begins at 7:45 AM and the patient will need to wait to be seen.
 - Optical also sees emergencies as needed
- The March Vision Contract is not finalized to date through our Self-Funded Insurance Plan. The plan changed 1-1-18. Our work around process for patients with this insurance coverage is to offer them the Tribe Benefit and let them know who the participating providers are in our area.

Dental

- For Routine exam and Filling appointments are booking out 3 months.
- Emergencies are still being seen on a daily basis

- Anna L. held interviews for dental assistant position. No positions filled permanently however one ET was brought on from the interviews, there are still five vacancies.
- Dr. Thao Nguyen was hired as FT fifth dentist
- Two dental assistant students from NWTC and one from FVTC are affiliating two days a week until the end of April.
- Dental Cleaning and other Perio appointments are being scheduled out to May. A call list is still utilized for cancelations.
- Working at stabilizing the Dental care due to upcoming retirements.
- Dental currently is faced with space issues to try and resolve the access to care issue. Working to find different avenues to meet these space issues.
- The dental chair at AJRCCC was successfully opened with the first day of service on 2/28/2018
- Dr. Thao Nguyen has joined the dental team, her first day of employment was 3/12/2018
- Dentrix up-grade was completed successfully on 2/1/18 without any glitches or incidents
- First report to Delta Dental on the grant awarded was made timely without any delays on 3/28/18.
- 3/15/18 Short shut down at 4:15 pm as the HVAC (central suction) was not working. Contacted Patterson Dental & DPW workers. Another short shutdown on 3/16/18 at 8:00 was also made. Plumbing came in on 3/21/18 to fix what is thought to be the issue. Concern that all equipment in the dental clinic is nearing its life expectancy. This will have a financial impact in the FY 2019 budget.

ANNA JOHN RESIDENT CENTERED CARE COMMUNITY (AJRCCC) UPDATE:



The average daily census for 2nd Qtr of the Fiscal Year 2018 is indicated in the chart below:

	JAN	FEB	MAR	TOTAL
Total Resident Billable Days	1188	1015	1150	
Calendar Days	31	28	31	
Oneida Enrolled	28	26	28	N/A
Other Tribe	5	5	5	N/A
Non Tribal	5	5	5	N/A
Number of Beds	48			
Capacity Percentage	80%	76%	77%	
Payment Source	JAN	FEB	MAR	AVG
Medicaid	72%	71%	71%	71%
Medicare A	3%	4%	5%	4%
Private	14%	15%	12%	14%
VA	5%	6%	5%	5%

- Dietary Aid, Leona Charles retired after 21 years of services to the AJRCCC.
- Flu isolation for AJRCCC was from January 27 thru February 10, 2018.
- OCHC in the process of making travel arrangements for a board member to travel to San Francisco between the dates of 3/25 thru 3/29.
- The Congregate Mealsite hours of operation are Monday through Friday from 8:00 AM to 4:30 PM and continues to average 80-100 per day in attendance.
- The AJRCCC Board continues to meet on a regular basis.

OPTIMIZE TECHNOLOGY

Initiatives: Advancing Technology and Accreditation

ELECTRONIC HEALTH RECORD (EHR): GE Centricity

- The EHR Team continues ongoing review and updating of the system on a regular basis as new releases are available within the application and all additional software. Every software update or new release that is needed requires numerous hours of testing and coordination for implementation to assure that all the application and updates are tested before going live.
- Next upgrade will be to version 12.3. This was released in the last weeks of December. Despite the new release and plan to upgrade in the first quarter of the year, there is already a service pack pending release to fix critical fixes to the version 12.3. We are awaiting release of service pack 1 for next upgrade.
- **HIPAA Security Policies/Procedures:**
 - HIPAA E-learning was completed in 1st quarter 2018. We are in the process of reviewing the current SOPs since they are up for revision.
- **Risk Assessment (RA):**
 - On-site Risk Assessment was conducted December 8, 2017. We continue to meet monthly to mitigate remaining action items.
- **Patient Portal:**
 - We continue to work on adoption and education to patients on the concept of the patient portal and to encourage patients to be engaged in their healthcare through technology and online access to their healthcare information. Patient adoption and education of the patient portal will be elevated in the second quarter. Increased staff education, Workflow change, publishing of pamphlet and automation of CVS are just a few areas we will focus on.
 - We have joined the teams of Medical, Behavioral Health, Optical and Dental to have a combined access page to the three portals for all OCHD patients. We are working on a joint pamphlet and advertising to promote all three portals as a whole. We have been working on revisions of the pamphlet with the change in website design and logo. We hope to complete this during the second quarter.
- **Automated Clinically Messaging (ACM) and Document Management (DM):**
 - This additional software and functionality has been implemented to Centricity EMR and Patient Portal. This functionality will allow providers the ability to send automated mass and individual messaging to patients and referring providers.
 - Automated individual messaging would include the Clinical Visit Summaries (CVS) securely to patients and Transfer of Care (TOC) documents to consulting providers.
 - The ability to get patient's email and service provider's direct address has been a challenge and we continue to gather more emails and direct addresses.
- **E-signature:**
 - The I pads imaging have been finalized and testing for security for preparation of go live of the next phase of documents. We have revised the project plan to go live with

- the treatment plan, discharge summary, staffing note and case transfer note. This will allow us to decrease the use of dictation services and for user audit reports to be finalized.
- The E-Signature team continues to work on testing and finalizing registration documents for go live with the registration documents at OCHC. New workflows and training documents have been completed. Onbase integration is complete in development and production. Testing will be pursued in production and go-live anticipated by the end of April.
 - We are also anticipating expanding the use of forms and application for dental and optical once implementation has been successfully completed in registration and clinical areas of Behavioral Health and the Medical Clinic.
 - **Meaningful Use (MU):**
 - We completed the attestation for the Medicaid program of Meaningful Use as we are directed by CMS for year 2017. We successfully submitted 7 providers at OCHC. 3 of the newer providers were ineligible. 1 provider joined us in 2017 and was previously attested by previous employer for 2017 and 2 were not eligible for attestation. This will be the fourth of six possible years of data submission for this annual incentive. This program is proposed to end in 2021.
 - We will continue to monitor and measure our performance for Program Year 2018. We will need to report on full year at this time for 2018. The team continues to work with MetaStar to help all areas understand and meet Meaningful Use and its different programs.
 - **MIPS / Quality Payment Program (QPP) Program:**
 - We successfully submitted the measures and data to support the MIPS 2017 program year. We attested as a group, which includes all eligible providers under the Oneida Nations Tax Identification Number. By meeting the programs Base Measure, Performance Measure and Quality Measure requirements along with Bonus and Improvement Activities, we will be able to avoid a downward negative payment adjustment for 2019 to a positive payment adjustment for our Medicare claims to CMS.
 - The MIPS report has been completed and authorized on 3/8/2018 with a final score of 98.73 MIPS.
 - **BH Chart Status Project:**
 - We will be **transferring our BH Medical Records Excel database into the EMR.** This is a task that we will need the GE consultant's assistance in completing because of the complexity of the licensing requirements completion prior to the status changing on the patient banner. This is ongoing.
 - We need the signature capture working in order to have all of our licensing requirements in the EMR to have the banner fully functioning for the Chart Status.
 - We have begun to have medical records techs start the conversion of chart status to test the reports. However, we have about 10,500 charts that need to be converted to eliminate the excel database. This process has been built into our opening and closing of chart process. However, it may take some time to have all of the 10,500 charts transferred into the EHR we are making progress.
 - **Patient Engagement:**
 - A Request for Proposal (RFP) was completed and submitted to desired vendors. We viewed 6 demonstrations and have narrowed our vendors down to 3 possible solutions. We have requested subsequent demonstrations to pick our final solution. Implementation planning and completion will be a goal for Second Quarter 2018.
 - **Reports:**
 - Behavioral Health is consistently receiving the following (COGNOS) Access to Care, No Show/Cancellation Provider Utilization, Patient Last Visit, Columbia Suicide

- Severity Rating Scale (C-SSRS) and Adverse Childhood Experience. We continue to review Drug Statistic report. We have begun to work on the Zero Suicide Data Elements, PHQ 2 Report and Referrals from OCHC and User Audit to assist in Peer Review process. We currently get reports completed by Dr. David Prestby Access to Care Report, Customer Experience Survey, BH Awareness Series, QPR Trainings. (Crystal Reports) Chart Status Report
- The RFP to review Business Intelligence tool reporting has been delayed due to working on the Patient Engagement Solution.
 - OCHC has successfully been able to work with MIS and Cognos to produce a monthly no show/cancellation report and access to care report.
- **Health Promotions Codes in Centricity**
 - Consultation with GE Consultant scheduled in April

PATIENT MANAGEMENT SYSTEM (PMS)

- **The RAVE Alert System** is an emergency notification system that can send a mass notification to our employees via text messages, e-mail message, and/or phone calls in the event of an emergency. i.e. Emergency closure. We have implemented the RAVE system to inform employees of building closures and other situations that need to go out. We are working with other areas of the organization to implement tribal wide.

CONTINUOUS QUALITY IMPROVEMENT

Initiatives: Accreditation

Accreditation of the Health Division

- Credentialing – Complete SOP by May
- Training Tracking Data Base – All employee training entered by May 31
- Patient Handbook – complete and hand out by April
- Provider pamphlets – complete and display by May
- Data collecting and tracking within all departments- begin in May
- Break Room getting re-done – complete in April
- G drive re-organization
- Apply for accreditation – October
- Orientation manual completed, checklist being used beginning March 1
- Training Tracking Data Base Completed
- Peer Review began in March
- RAVE system is in place, in use, and continually reviewed
- Completed drills – Code Blue, RAVE
- Accreditation is being worked on weekly at the management team

Public Health Accreditation

- In January, the accreditation coordinator participated as a panelist in Tribal Accreditation Learning Community webinar.
- January 29 & 30, Health office was a panelist at WI Tribal Accreditation and Quality Forum discussing Community Health Assessment and Community Health Improvement Plan. As same event, accreditation coordinator facilitated a quality improvement/ team building activity, making a Healthy community using plastic blocks (Legos). Kit was offered to a tribal organization attending the event to take back and facilitate with their team.
- Continue to transition some of the accreditation coordinator responsibilities to another team member

- On February 27, 2018, we were notified an action plan will be required before an accreditation decision can be made. PHAB is requesting additional action take place for all the measures they determined we did not meet (7) and two of the measures we only slightly met (2). This is a total of nine measures. However, seven of them revolve around public health law.
- In March 2018, several meetings occurred designed to address how we will accomplish the measures related to public health law.

ENHANCE OUR WORKFORCE

Initiative: Optimizing our staffing processes

HUMAN RESOURCE MANAGEMENT

- We continue to have staffing, space and financial constraints that prevent us from providing optimal access to care in our Division.

Number As of 04/01/18 Comprehensive Health Division Employees: 345 FTE (includes full-time, part-time, LTEs,) NOTE: The Work Force report is being worked on with HRD to confirm accuracy.

- Total # employees for the division is 345:
 - **114 Oneida Enrolled**
 - **31 American Indian/Alaskan**
 - **2 Black/African American**
 - **1 Asian**
 - **5 Hispanic/Latino**
 - **188 Caucasian/other**
 - **4 Two or more Races**
- **Breakdown of # of employees by area:**
 - **AJRCCC: (64)**
 - 21 Oneida Enrolled
 - 6 American Indian/Alaskan
 - 1 Asian
 - 3 Hispanic/Latino
 - 0 Black/African American
 - 3 Two or more Races
 - 30 Caucasian/other
 - **Behavioral Health (44)**
 - 1 Hispanic/Latino
 - 6 American Indian/Alaska Native
 - 1 Black/African American
 - 7 Oneida Enrolled
 - 28 Caucasian/other
 - 1 Two or more races
 - **Employee Health Nursing (9)**
 - 1 American Indian/Alaska Native
 - 1 Oneida Enrolled
 - 7 Caucasian/other
 - **Medical (42)**
 - 4 American Indian/Alaskan
 - 11 Oneida Enrolled of WI
 - 27 Caucasian/other

- **Operations (184)**
 - 1 Black/African American
 - 13 American Indian/Alaska Native
 - 73 Oneida Enrolled of WI
 - 96 Caucasian/other
 - 1 Hispanic/Latino
- **Current vacancies as of 041/01/18:**
 - **Certified Medical Assistant**
 - **Clinical Substance Abuse Counselor**
 - **Dental Assistant**
 - **Dual Diagnosis Therapist**
 - **Physician –Peds**
 - **Physician – Internal medicine**
 - **Psychiatrist**
 - **Psychotherapist**
 - **Certified Nursing Assistant**
 - **Dental Hygienist**
 - **Dietary Aide Cook LPN- AJRCC**
 - **RN – AJRCCC**
 - **RN- Community Health**
 - **RN-School Nurse**
 - **Triage Supervisor**
 - **Triage Counselor**
 - **Behavioral Health Supervisor**
 - **Intake Supervisor-OBH**
 - **Licensed Practical Nurse-OCHC**
 - **Mammography Technologist**

FINANCIALS

Comprehensive Health Division

BUDGETED Funding Sources for FY-2018 (Total)

TRIBAL CONTRIBUTION: 4.50% (\$2,699,903)

GRANTS: 3.42% (\$2,053,885)

OTHER SOURCES:

External Sales/Third Party Revenue/other income 58.45% (\$35,072,745)

Indian Health Services: 33.63% (\$20,177,282)

Total Budget for FY 2018: \$60,003,815

Actuals as of 03/31/18

1st Quarter Total Actuals as of 12/31/17 (Oct-Dec 2017): \$12,309,348

2nd Quarter Total Actuals as of 03/31/18 (YTD): \$23,755,361

Consolidated Health (OCHC & OBH) has not been utilizing Tribal Contribution to provide services to the Community.

Tribal Contribution is utilized within the Comprehensive Health Division at AJRCCC (Budgeted \$,1,478,742), EHN (Budgeted \$877,126), and Case Management/COP (Budgeted \$343,381 Grant matching requirement), and WIC (Budgeted \$654, Grant matching requirement).

Celebrations and Successes:

- We are continuing to receive Access to Care Surveys back.
- We are making progress with getting some reports for data analysis within Behavioral Health
- The “Purple Room” is now accessible for Behavioral Health’s use as a Group room.
- The OBH Nurses Station has been implemented and we are finalizing set up in Exams rooms
- The OBH Triage Center is furnished and staff will be moving in April.
- We started the Peer Review process
- OBH has coordinated with Oneida Schools and Seymour Schools to provide services at our satellite offices there. We have 4-5 providers who provide services at these two school systems.
- From Children’s Provider Meeting: A meeting is planned with Oneida Schools and OBH to discuss a more comprehensive plan to help students who have emotional-behavioral issues with a focus on engaging and helping their parents more effectively.
- Scanned documents will be entered into Centricity to bridge communication with Case Management and the medical clinic.
- Data Summit presentation for our CHA/CHIP partners was very successful. Good representation from tribal partners.
- Attended Governors Conference in Appleton during first week in March with various tribal departments.
- Diabetic team Family Fun Night was very successful for the Oneida Community. Great teamwork by everyone involved.
- Marketing teams in Community Health were re-designed and restructured.
- Patient contacts for this quarter:
 - COP Collateral – 390
 - COP Face To Face – 182
 - COP Assessments - 14
 - Respite and In-Home Chore - 717
 - Dementia Care Specialist - 17
- The Human Service Reporting System is 100% reported for January and February for all COP participants receiving services.
- The dental chair at AJRCCC was successfully opened with the first day of service on 2/28/2018
- Dr. Thao Nguyen has joined the dental team, her first day of employment was 3/12/2018
- Dentrix up-grade was completed successfully on 2/1/18 without any glitches or incidents
- First report to Delta Dental on the grant awarded was made timely without any delays on 3/28/18.
- Family Fun Night was held in February and a success. Total attended – 416. Surveys completed by 88 adults – 84% “very satisfied” and 83% learned a new activity to keep their family healthy and active.
- The remaining 75% of the SDPI grant was awarded on 3/30/18
- Completed Chapter 21 of AAAHC - Occupational Health requirements.
- MMR/Varicella compliance for the CHD.
- Mary Cornelissen, EHN Manager was recognized at OBC for 40 years of dedicated service to the Oneida Nation and Comprehensive Health
- Comprehensive Health actively engaged with the Tribal Action Planning Team to proactively and strategically address addiction related challenges within the Oneida Nation
- Optos system in Optical Department will improve quality of care and access for Retinal screening for Diabetes patients

Please follow us on our Oneida Comprehensive Health Division Facebook page!

Pictures are from the Family Fun Night held in February 2018. The theme was “May the Fitness be with You”.





Comprehensive Health - Access Of Care

3rd Available appointment

OCHC-Call In/Follow Up/NO-Adult

Resource	Appointment Type	Next 3rd Open
Eberhardy PA-C, Stephanie	Nurse Only-Eber-30	Apr 18, 2018 11:30:00 AM
	Follow Up-30	Apr 19, 2018 7:30:00 AM
Flood MD, Michael	Nurse Only-Flood-30	Apr 16, 2018 1:30:00 PM
	Follow Up-30	May 31, 2018 8:00:00 AM
	Call In-30	Apr 17, 2018 12:30:00 PM
Kennard MD, Jay K	Nurse Only-Kennard	May 1, 2018 4:00:00 PM
	Follow Up-30	Jul 5, 2018 9:00:00 AM
	Call In-30	May 7, 2018 1:30:00 PM
Sumnicht MD, Paul H	Nurse Only-Sumnicht	Apr 9, 2018 11:00:00 AM
	Follow Up-30	May 10, 2018 9:00:00 AM
	Call In-30	Apr 16, 2018 9:30:00 AM
Thiry APNP NP-C, Lori B	Nurse Only-Thiry	Apr 6, 2018 3:30:00 PM
	Follow Up-30	Apr 11, 2018 11:00:00 AM
	Call In-30	Apr 16, 2018 4:00:00 PM
Vir, Ravinder	Nurse Only-Vir	Apr 25, 2018 3:00:00 PM
	Follow Up-30	Apr 24, 2018 1:00:00 PM
Wells APNP FNP-BC, Ann M	Nurse Only-Wells-30	May 31, 2018 3:30:00 PM
	Follow Up-30	Jun 1, 2018 8:30:00 AM

OCHC-Call In/Follow Up/NO-Peds

Resource	Appointment Type	Next 3rd Open
Danby MD, David	Provider Nurse Only-Danby	Jul 10, 2018 3:30:00 PM
	Follow Up-30	Jul 9, 2018 4:00:00 PM



Comprehensive Health - Access Of Care

3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Danby MD, David	Call In-30	Jul 9, 2018 4:00:00 PM
Kennard MD, Jay K	Nurse Only-Kennard	May 1, 2018 4:00:00 PM
	Follow Up-30	Jul 5, 2018 9:00:00 AM
	Call In-30	May 7, 2018 1:30:00 PM
Langner APNP, Dianna L	Follow Up-30	Apr 4, 2018 3:30:00 PM
	Call In-30	Apr 4, 2018 11:30:00 AM
Sumnicht MD, Paul H	Nurse Only-Sumnicht	Apr 9, 2018 11:00:00 AM
	Follow Up-30	May 10, 2018 9:00:00 AM
	Call In-30	Apr 16, 2018 9:30:00 AM
Thiry APNP NP-C, Lori B	Nurse Only-Thiry	Apr 6, 2018 3:30:00 PM
	Follow Up-30	Apr 11, 2018 11:00:00 AM
	Call In-30	Apr 16, 2018 4:00:00 PM
Verstoppen MD, Gerald	Nurse Only-Verstoppen-60	Apr 10, 2018 3:30:00 PM
	Follow Up-30	Apr 11, 2018 2:00:00 PM
	Call In-30	Apr 4, 2018 3:00:00 PM
Wells APNP FNP-BC, Ann M	Nurse Only-Wells-30	May 31, 2018 3:30:00 PM
	Follow Up-30	Jun 1, 2018 8:30:00 AM
	Follow Up-15	Jun 1, 2018 1:30:00 PM
	Call In-15	May 29, 2018 1:45:00 PM

OCHC-Diabetes NP-Call In/Follow Up

Resource	Appointment Type	Next 3rd Open
Moureau APNP BC-ADM, Timothy A	Follow Up-DM	Jul 12, 2018 9:00:00 AM
	Call In-30	Apr 16, 2018 4:00:00 PM



Comprehensive Health - Access Of Care

3rd Available appointment

OCHC-Diabetes NP-Foot Care

Resource	Appointment Type	Next 3rd Open
Moureau APNP BC-ADM, Timothy A	Foot Care-30	Jul 12, 2018 9:00:00 AM

OCHC-Diabetes NP-New Patient-60

Resource	Appointment Type	Next 3rd Open
Moureau APNP BC-ADM, Timothy A	New Patient-60	May 8, 2018 1:00:00 PM

OCHC-Diabetes RD-Call In/Follow Up/Med Adjustment

Resource	Appointment Type	Next 3rd Open
Schwantes RD CDE, Elizabeth	Med Adjustment	May 1, 2018 1:00:00 PM
	DM Education Follow Up	May 1, 2018 1:00:00 PM
	Call In-60	May 1, 2018 1:00:00 PM

OCHC-Diabetes RD-New Patient

Resource	Appointment Type	Next 3rd Open
Schwantes RD CDE, Elizabeth	New Patient-60	May 3, 2018 10:00:00 AM

OCHC-Diabetes RN-Call In/Follow Up/Med Adjustment

Resource	Appointment Type	Next 3rd Open
Colwitz RN CDE, Boni J	Med Adjustment	Apr 4, 2018 7:30:00 AM
	DM Education Follow Up	Apr 4, 2018 7:30:00 AM
	Call In-60	Apr 4, 2018 7:30:00 AM

OCHC-Diabetes RN-New Patient

Resource	Appointment Type	Next 3rd Open
Colwitz RN CDE, Boni J	New Patient-60	Apr 4, 2018 7:30:00 AM



Comprehensive Health - Access Of Care

3rd Available appointment

OCHC-New Patient-Adult

Resource	Appointment Type	Next 3rd Open
Danby MD, David	New Patient-30	Jul 9, 2018 4:00:00 PM
Eberhardy PA-C, Stephanie	New Patient-30	Apr 19, 2018 7:30:00 AM
Flood MD, Michael	New Patient-30	Jun 1, 2018 2:30:00 PM
Kennard MD, Jay K	New Patient-30	Jun 11, 2018 8:30:00 AM
Kreft APNP FNP-BC, Michele Ann	New Patient-60	May 29, 2018 8:00:00 AM
Sumnicht MD, Paul H	New Patient-30	Apr 17, 2018 10:00:00 AM
Thiry APNP NP-C, Lori B	New Patient-60	May 17, 2018 2:30:00 PM
Vir, Ravinder	New Patient-30	Apr 25, 2018 1:00:00 PM
Wells APNP FNP-BC, Ann M	New Patient-30	May 30, 2018 10:00:00 AM

OCHC-Physical-Eberhardy

Resource	Appointment Type	Next 3rd Open
Eberhardy PA-C, Stephanie	Physical-60	Jul 19, 2018 8:00:00 AM

OCHC-Physical-Flood

Resource	Appointment Type	Next 3rd Open
Flood MD, Michael	Physical-30	May 7, 2018 1:00:00 PM

OCHC-Physical-Kennard

Resource	Appointment Type	Next 3rd Open
Kennard MD, Jay K	Physical-30	Jun 11, 2018 8:30:00 AM

OCHC-Physical-Sumnicht



Comprehensive Health - Access Of Care

3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Sumnicht MD, Paul H	Physical-30	Apr 17, 2018 10:00:00 AM

OCHC-Physical-Thiry

Resource	Appointment Type	Next 3rd Open
Thiry APNP NP-C, Lori B	Physical-60	Jun 18, 2018 2:00:00 PM

OCHC-Physical-Wells

Resource	Appointment Type	Next 3rd Open
Wells APNP FNP-BC, Ann M	Physical-60	Jun 7, 2018 2:30:00 PM

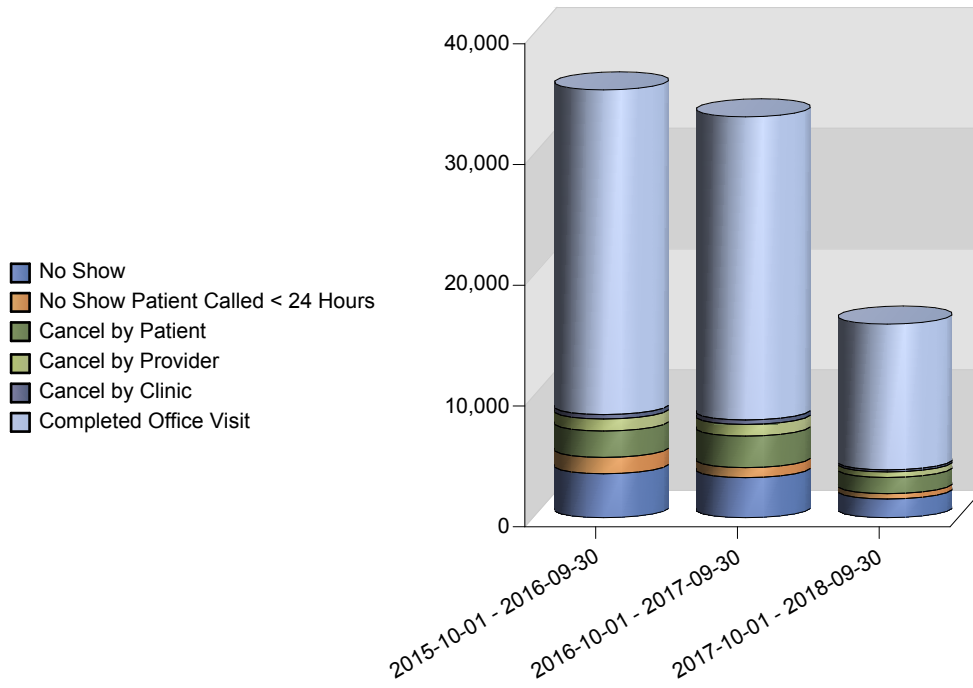
OCHC-WCE-Peds and FP

Resource	Appointment Type	Next 3rd Open
Danby MD, David	Well Child Exam-30	Jul 11, 2018 3:00:00 PM
Kennard MD, Jay K	Well Child Exam-30	May 4, 2018 10:00:00 AM
Kreft APNP FNP-BC, Michele Ann	Well Child Exam-30	Apr 11, 2018 2:30:00 PM
Langner APNP, Dianna L	Well Child Exam-30	Apr 17, 2018 9:00:00 AM
Sumnicht MD, Paul H	Well Child Exam-30	May 10, 2018 9:00:00 AM
Thiry APNP NP-C, Lori B	Well Child Exam-30	Apr 11, 2018 3:30:00 PM
Verstoppen MD, Gerald	Well Child Exam-30	May 15, 2018 1:00:00 PM
Wells APNP FNP-BC, Ann M	Well Child Exam-30	Jun 4, 2018 8:30:00 AM



Three Year By Quarter No Show/Cancellation Summary

Oneida Health Center Medical Clinic



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2017-10-01 - 2018-09-30	Qtr02	750	9.4%	226	2.8%	743	9.4%	288	3.6%	92	1.2%	2,005	5,941	7,946	5,672	4,207
	Qtr01	796	10.0%	217	2.7%	594	7.5%	174	2.2%	79	1.0%	1,805	6,132	7,937	6,135	4,325
2017-10-01 - 2018-09-30		1,546	9.7%	443	2.8%	1,337	8.4%	462	2.9%	171	1.1%	3,810	12,073	15,883	11,807	6,021
2016-10-01 - 2017-09-30	Qtr04	705	9.8%	182	2.5%	552	7.7%	249	3.5%	76	1.1%	1,738	5,445	7,183	5,445	4,004
	Qtr03	799	9.9%	153	1.9%	791	9.8%	229	2.8%	58	0.7%	2,009	6,062	8,071	6,064	4,196



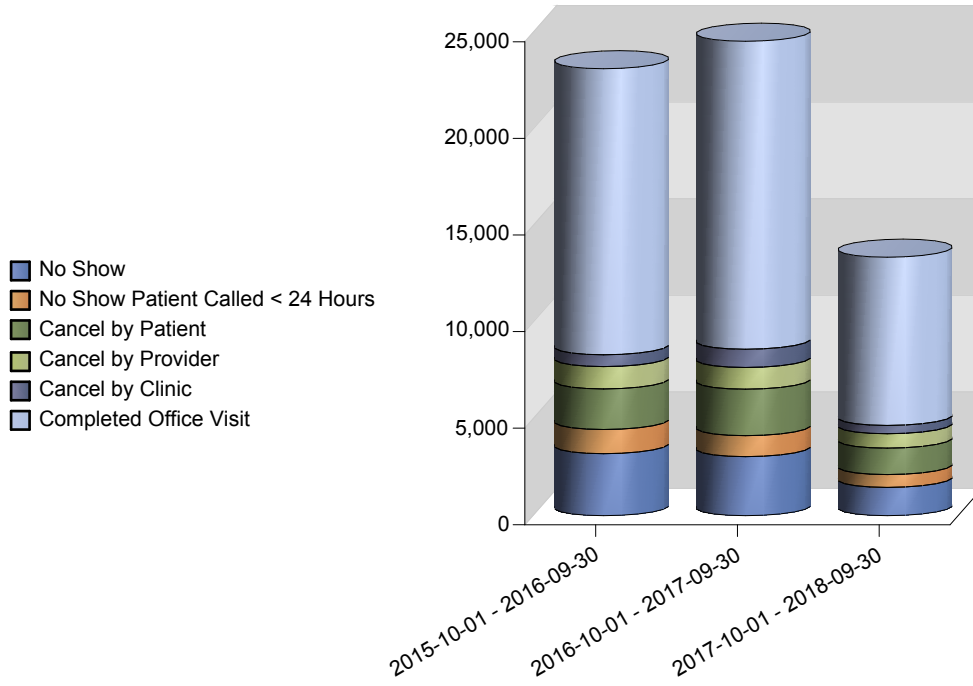
Three Year By Quarter No Show/Cancellation Summary

Oneida Health Center Medical Clinic

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2016-10-01 - 2017-09-30	Qtr02	834	9.6%	226	2.6%	685	7.9%	234	2.7%	137	1.6%	1,991	6,680	8,671	6,693	4,458
	Qtr01	977	10.8%	267	2.9%	583	6.4%	256	2.8%	100	1.1%	2,136	6,917	9,053	6,917	4,808
2016-10-01 - 2017-09-30		3,315	10.1%	828	2.5%	2,611	7.9%	968	2.9%	371	1.1%	7,874	25,104	32,978	25,119	8,182
2015-10-01 - 2016-09-30	Qtr04	939	11.0%	292	3.4%	565	6.6%	185	2.2%	59	0.7%	2,002	6,545	8,547	6,545	4,622
	Qtr03	861	9.9%	353	4.0%	550	6.3%	192	2.2%	109	1.2%	2,027	6,710	8,737	6,712	4,502
	Qtr02	777	9.0%	338	3.9%	548	6.4%	285	3.3%	115	1.3%	2,038	6,576	8,614	6,578	4,464
	Qtr01	1,059	11.2%	370	3.9%	522	5.5%	337	3.6%	81	0.9%	2,361	7,061	9,422	7,065	5,031
2015-10-01 - 2016-09-30		3,636	10.3%	1,353	3.8%	2,185	6.2%	999	2.8%	364	1.0%	8,428	26,892	35,320	26,900	8,663
Summary		8,497	10.1%	2,624	3.1%	6,133	7.3%	2,429	2.9%	906	1.1%	20,112	64,069	84,181	63,826	11,138



Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2017-10-01 - 2018-09-30	Qtr03	100	11.8%	37	4.4%	105	12.4%	32	3.8%	21	2.5%	295	550	845	425	579
	Qtr02	696	10.3%	338	5.0%	726	10.8%	436	6.5%	191	2.8%	2,387	4,348	6,735	4,151	1,602
	Qtr01	666	11.5%	290	5.0%	537	9.3%	278	4.8%	217	3.7%	1,988	3,811	5,799	3,768	1,570
2017-10-01 - 2018-09-30		1,462	10.9%	665	5.0%	1,368	10.2%	746	5.6%	429	3.2%	4,670	8,709	13,379	8,344	2,051
2016-10-01 - 2017-09-30	Qtr04	767	13.8%	244	4.4%	548	9.9%	240	4.3%	307	5.5%	2,106	3,443	5,549	3,435	1,551



Three Year By Quarter No Show/Cancellation Summary

Behavioral Health Services

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2016-10-01 - 2017-09-30	Qtr03	784	12.9%	285	4.7%	567	9.3%	214	3.5%	159	2.6%	2,009	4,072	6,081	4,073	1,559
	Qtr02	734	10.8%	271	4.0%	754	11.1%	408	6.0%	283	4.2%	2,450	4,342	6,792	4,341	1,599
	Qtr01	770	12.5%	286	4.7%	537	8.8%	262	4.3%	194	3.2%	2,049	4,087	6,136	4,087	1,535
2016-10-01 - 2017-09-30		3,055	12.4%	1,086	4.4%	2,406	9.8%	1,124	4.6%	943	3.8%	8,614	15,944	24,558	15,936	2,558
2015-10-01 - 2016-09-30	Qtr04	768	13.2%	268	4.6%	538	9.2%	281	4.8%	164	2.8%	2,019	3,810	5,829	3,808	1,481
	Qtr03	808	13.8%	314	5.4%	532	9.1%	207	3.5%	101	1.7%	1,962	3,892	5,854	3,657	1,496
	Qtr02	824	13.2%	339	5.4%	573	9.2%	307	4.9%	224	3.6%	2,267	3,980	6,247	3,658	1,501
	Qtr01	808	15.5%	331	6.4%	457	8.8%	362	7.0%	122	2.3%	2,080	3,126	5,206	3,129	1,377
2015-10-01 - 2016-09-30		3,208	13.9%	1,252	5.4%	2,100	9.1%	1,157	5.0%	611	2.6%	8,328	14,808	23,136	14,252	2,485
Summary		7,725	12.6%	3,003	4.9%	5,874	9.6%	3,027	5.0%	1,983	3.2%	21,612	39,461	61,073	38,532	3,963

Governmental Services Division

FY2018 Second Qtr Report

George Skenandore, Division Director

DIVISION EXECUTIVE SUMMARY

The purpose of the Governmental Services Division (GSD) is to provide education and lifelong learning opportunities, programs, and services for individuals and families to encourage and support their overall wellbeing. The second quarter report of GSD for FY 2018 reflects the continual high level of use of programs/services by community members of all ages. Program areas and the employees who serve in those areas continue providing quality customer care and services consistent with the mission, vision and values of the Nation as a whole. In an effort to improve operationally across the Division, performance assurance audits continue to occur with findings being followed up on as required to ensure that efficiencies and best practices are considered as part of program design and delivery of services. GSD continues being strategic as possible to collaborate with other areas of the organization and within all areas of GSD itself to maintain the service to the customer/client base. We are thankful for the opportunity to serve the community and for the community's continual support.

CULTURAL HERITAGE AREA

NARRATIVE	FREQUENCY/ UTILIZATION		HIGHLIGHTS
<p>Oneida Cultural Heritage is responsible for maintaining, interpreting, and preserving Oneida traditional teachings, customs, and history. All departments work to preserve and protect the artifacts, collections, documents, audio and visual recordings for reference and research including Oneida Language Material. The Oneida Language is a vital part of our existence and is taught using different teaching methods to meet different learning styles.</p>	# of Walk-ins:	13	<p>Cultural Heritage moved from the house to Cottage 3 at the end of March. It is the hopes of Cultural Heritage to continue to lease the language cottage for programming purposes to be in compliance with the GTC resolution</p>
	# of Appointments Made:	16	
	# of Cancelations (including No Call/No Shows):	4	
	# of Presentations/ Workshops Provided:	3	
	# of Presentation/ Workshop Participants:	1	
	# of Home School Participants:	18	
	# of Elder Visits:	6	
	# of Hours worked on Re-writing <u>Kalihwi:yó</u> Instructions:	6	
	# of Chiefs Council Meetings:	2	
	# of Chiefs Council Meetings Attended:	2	
# of Repatriation Consults:	0		
ANNUAL GOALS	DEMOGRAPHICS		
<p>*Continue sharing all aspects of our Oneida Culture, History, and Language through presentations as requested.</p>	Youth (0-17):	218	
	Adult (18-54):	245	
	Elder (55+):	186	
	Total:	649	
<p>*Continue to edit and add components that are later recalled to :</p> <ul style="list-style-type: none"> -The Creation Story -Ceremonies -Great Law - <u>Kalihwi:yó</u> <p>*Continue working with Cliff Abbott on rewriting <u>Kalihwi:yó</u> into the format that will be recited.</p> <p>*Recite as many of the Wampum Belts as possible and have them transcribed for future use.</p>			

ONEIDA LANGUAGE ARCHIVIST/ Tsi? Niyukwalihó·ta EDUCATOR

NARRATIVE	FREQUENCY/ UTILIZATION		HIGHLIGHTS (CONT.)
The mission of the Tsi? Niyukwalihó·ta initiative is to preserve, protect, maintain, and interpret the Oneida traditions, artifacts, language, customs, and history in a manner that shall promote the dignity and respect of the Oneida people and culture.	# of Participants enrolled in Tsi? Niyukwalihó·ta:	14	Met with councilman Daniel Guzman regarding traditional governance on March 5.
	# of Tsi? Niyukwalihó·ta Participants Actively Attending Weekly:	10	Attended Conscious Discipline training March 7-14
	# of Days Classes were held:	39	
	# of SEOTS Presentations:	3	
	# of SEOTS Presentation Participants:	42	March 8, collections committee meeting.
	# of Off-Site Presentations:	14	March 12, attended OCHD staff meeting.
	# of Off-Site Presentation Participants:	524	March 13, did tobacco burning for OCHD Maple camp.
	# of Hours worked on: Speak Oneida Part II, WPA Books, &/ or Archiving:	13	March 15, attended TAP meeting.
ANNUAL GOALS	DEMOGRAPHICS		
1. Prepare the students to accomplish the two year intensive Tsi? Niyukwalihó·ta initiative.	Youth (0-17):	305	March 16, cultural presentation at GBCI and met with Fred Muscavitch regarding language book he's working on.
	Adult (18-54):	192	
	Elder (55+):	65	
	Total:		
2. Offer a variety of experiential programs to preserve and increase the knowledge and understanding of the Oneida language, culture and history.	HIGHLIGHTS		March 19, did Death Feast for community family.
	Students were afforded the opportunity to attend the Mid-Winter Ceremony Jan. 22-25.		March 19-13, pack up for move.
3. Groom participants to serve as Oneida ambassadors, leaders, mentors, teachers, experts and possible entrepreneurs.	Oneida Nation Rites of Passage Sweatlodge Ceremonies were offered on Jan 20 and Feb. 24.		March 26-30, move and unpack
	Five (5) students completed the two year Tsi? Niyukwalihó·ta program on Feb. 12.		
	Students have been working on pounding the black ash log and prepping splints this past quarter to make their Longhouse picnic baskets and they have been doing a monthly fundraiser to travel to the Great Law Recital in August.		
Met with Pre Belisle to record core values video on March 2.			

CULTURAL WELLNESS

NARRATIVE	FREQUENCY/ UTILIZATION		HIGHLIGHTS (CONT.)
<p>Promote a holistic cultural based approached to Wellness that encourages & strengthens Tsi? Niyukwalihó·ta (Our Ways)</p> <p>*The Oneida Cultural Wellness Program addresses the impacts/ traumas that have occurred to the mind, heart, spirit, body, environment, society, & primary relationships with a focus on the Lotinuhsu·níhe? Creation Story, Ceremonies, Medicine Societies, Great Law, Kalihwi·yó, & spirituality for the healing process in the reclamation of one's Oneida Identity.</p>	# of Walk-ins:	7	<p>The "O-cademy" is a unique opportunity for the Nation's workforce that will develop skills that can provide professional and personal growth. It consists of monthly learning experiences (live and computer-based) group mentoring and wellness opportunities.</p> <p>*The Cultural Wellness Facilitator assisted by offering 3 small group sessions with 12 people attending. Overall the evaluations scores were 9/10 for the facilitation and program. Some comments include; "very informative," "ridiculously knowledgeable," "everyone could benefit from this."</p> <p>*Attended week long Emotional Release Sound Therapy training; a healing modality that uses higher frequencies (sound) to cancel outdate low frequencies related to unwanted emotional responses. Projected implementation as a service date is April 2018.</p> <p>* In lieu of goal 2 I assisted with Centers for Disease Control grant titled "Tribal Practices for Wellness in Indian Country." Grant was submitted and awaiting to find out if we were selected.</p> <p>*Attended an Adults Working with Native Youth Healing Through Arts & Culture sponsored by The Native Wellness Institute. This was a 3 day interactive workshop on how to use contemporary cultural arts and activities to engage youth in healing. It was also an opportunity to listen to what other communities are doing and if their approaches were or weren't successful.</p>
	# of Appointments Made:	102	
	# of Cancelations (including No Call/No Shows):	30	
	# of Presentations/ Workshops Provided:	15	
	# of Presentation/ Workshop Participants:	73	
	# of Tribal Action Plan Committee Meetings:	2	
	# of TAP Committee Meeting Participants:	24	
	# of Domestic Violence Program Events/ Mtg's:	8	
	DEMOGRAPHICS		
	Youth (0-17):	11	
	Adult (18-54):	50	
Elder (55+):	12		
Total:	73		
ANNUAL GOALS	HIGHLIGHTS		
<p>Goal 1: To facilitate Oneida Cultural Wellness education and healing through individual and group participation.</p> <p>Goal 2: Update program framework</p> <p>I. Alignment review and development of outcomes</p> <p>II. Strategic workforce plan initiative</p> <p>a. Framework</p> <p>b. Training curriculum</p> <p>c. Cultural wellness curriculum</p>	<p>Women of the Phoenix</p> <p>* The "Women of the Phoenix" is an ongoing, weekly support group for women that have completed the 18-week education group or the Culture Group. This is a client-led group where they decide the topic for each session. Women learn about and practice self-care and coping skills through experiential activities, group outings, stress relief techniques</p> <p>*Cultural Wellness assisted with 10 groups session activities including: moccasin making, traditional skirt making, essential oils fabulous you and cold and flu blends, telling your story, yoga, and self-care.</p>		

CULTURAL HEALING

NARRATIVE	FREQUENCY/ UTILIZATION		HIGHLIGHTS
<p>Promote a holistic cultural based approached to Wellness that encourages & strengthens Tsi? Niyukwalihó·ta (Our Ways) *The Oneida Cultural Wellness Program addresses the impacts/ traumas that have occurred to the mind, heart, spirit, body, environment, society, & primary relationships with a focus on the Lotinunhsu·níhe? Creation Story, Ceremonies, Medicine Societies, Great Law, Kalihwi·yó, & spirituality for the healing process in the reclamation of one's Oneida Identity.</p>	# of Walk-ins:	5	*This month I completed training at SS for
	# of Appointments Made:	42	Trauma Informed Parenting.
	# of Cancelations (including No Call/No Shows):	7	*I included my language classes at
	# of Presentations/ Workshops Provided:	15	the museum and site 2 for demo numbers.
	# of Presentation/ Workshop Participants:	104	*Also included Spring Break event
	# of Oneida Nation Rites of Passage Mtg's Attended:	18	where I helped facilitate language learning for 20 kids, three different
	# of D.V. Program Events/ Mtg's Attended:	0	classes.
	DEMOGRAPHICS		*We had three formal mtgs for ROP, and
	Youth (0-17):	163	three planning mtgs, I only included
	Adult (18-54):	81	numbers from our formal mtgs at the
	Elder (55+):	11	cookhouse.
	Total:	255	
<p>*Continue meeting with individual clients and families to help guide them to a healthy path towards self-identification as Ukwehuwe/ Onayote?a·ká· / Lotinunhsu·níhe?.</p>			*After school program at site two only met once, Jackie is changing things to include more families and I am patiently waiting to hear back from her as to when I can start teaching the kids again.
<p>*Recruit participants and organize program materials for Tetwatunhatényehse? (We are changing our lives) - the Oneida Nation Rites of Passage Program in order to safely and successfully complete this year's Ceremony here in our Community set for the week of June 11th, 2018</p>			*Things seem to be moving along good with my clients and my classes and I'm looking forward to some spring weather
<p>* Attend Kalihwi·yó and Kay?lakowa and provide a report back in oral and documented forms to community upon return.</p>			

ONEIDA HISTORY DEPARTMENT

MISSION STATEMENT	FREQUENCY/ UTILIZATION		HIGHLIGHTS
<p>The Oneida History Department collects, organizes, preserves, and makes available materials that pertain to the history and development of the Oneida Nation and its people.</p>	# of History Presentations:	5	<p>Presentations at Cottage II &/or SEOTS 1) Eleazor Williams & Daniel Bread (4) 2) Housing CII (6), Library (7) 3) Tribal Historic Preservation (3) 4) Old Oneida Photos (15) 5) Ceremonies by Bob Brown (26)</p>
	# of History Presentation Participants:	61	
	# of Genealogy Workshops/ Requests:	4	
	# of Genealogy Workshop/ Request Participants:	40	
ANNUAL GOALS			
<p>GOAL 1: Offer a variety of experiential programs to preserve and increase the knowledge of the Oneida Culture. Currently, the History Dept. offers the presentation series and mini-series leading up to our 200 year anniversary. There are up to 5 -6 presentations and New Employee Orientation (NEO) every month. Sign in sheets track # of participants.</p>	# of NEO Presentation Participants:	82	<p>Kalihwisaks Articles: 1) Repatriation of Oneida Students - Carlisle 2) Log Homes 3) 1838 Treaty by Josh. 4) Mini Floods by Loretta 5) Book Review by Josh</p> <p>Research Request: 1) 7 Oneida tribal members attended Carlisle boarding school and died while at the school. Researching family descendants for each family of Sophia Coulon, Melissa Metoxen, Jemima Metoxen, Jemima Johns, Paul Wheelock, Frank Green and Ophelia Powless. Worked with the Enrollment office to provide living descendants of the deceased tribal members.</p>
	# of Log Home Tours:	2	
	# of Log Home Tour Participants:	62	
	# of Kalihwisaks Published:	3	
	# of History Articles Published in Kalihwisaks:	4	
	# of Sagoli Books Sold:	9	
	# of General History Books Sold:	20	
<p>GOAL 2: Educate & communicate our cultural values/beliefs and history to other Tribes and the general public by submitting articles for publication in the Kalihwisaks, editing video records of meetings/ presentations for easier viewing on Facebook, YouTube, or eLearning.</p>	# of Archive Researchers:	11	
	DEMOGRAPHICS		
	Youth (0-17):	126	
	Adult (18-54):	106	
	Elder (55+):	0	
Total:		232	
<p>GOAL 3: Utilizing the log homes/long house for events throughout the calendar year for tours, presentations, meetings, etc. Log home tours are on request only. Tourism schedules paid tours to stop at the log homes and usually contacts the History Department to give the tour. The audience varies from elders to students and sometimes they are tourist from outside our area. At this time, the Longhouse is not completed.</p>	R&E's		
	Sub Account: PRT 001- History Dept. (All Lines)		
	Budgeted:	\$117,404.00	
	Spent:	\$122,223.00	
	Remaining Balance:	-\$4,819.00	
	Over, Under, or On Target:	Over	
	Variance Explanation:		
<p>Figures based on R&E Report with period ending 2/28/2018. *Salaries - Training, I/T Special Events, & Indirect Costs budgeted amounts not lining up with what was spent, but will offset were necessary later in the FY.</p>			
		<p>2) College student from Northwestern University researched the Brothertown Collection looking for information on woman in church leadership roles or other significant roles in the nation.</p> <p>Spring Break Event at Civic Center: Josh and Eliza participated in teaching history and cultural teachings to youth during spring break March 26-29.</p>	

ONEIDA COMMUNITY LIBRARY / GREEN EARTH BRANCH

NARRATIVE	FREQUENCY/ UTILIZATION		HIGHLIGHTS
The Oneida Community Library/ Green Earth Branch provides the informational needs of the Oneida Community while building a collection that reflects our unique Oneida heritage. All persons will have access to current, balanced materials, services and programs that will enrich their informational, cultural and recreational needs.	Circulation:	2,750	This quarter was marked by the leaving of Brooke Betran, which lasted 12 years and the returning of employee Chantelle Kuchta to our library operations. Chantelle's previously experience here at our library was a grant position of two years, a couple of years back. Her past work was excellent and continues. Our Program/Outreach continues attracting patrons. The featured items include: -Outreach Norbert Hill Center Childcare -Reading Incentives -Oneida Language Classes -Cookies and Canvas -Craft time for kids -Plus 3D printing for kids to design their own items. -STEM (pictures included) -Monthly Family Events Upcoming Annual Open House which includes our most celebrated event the "Chile Cook off"
	Lending/ Borrowing:	3,107	
	SAM/ Wireless Computer Use:	2,416	
	DEMOGRAPHICS		
	Youth (0-17):	2,413	
	Adults (18-54):	1,648	
	Elder (55+):	300	
	Programming & Outreach:	903	
	# of External Costumers Served:	3,107	
	Total	8,371	
ANNUAL GOALS	R&E's		
*Increase circulation by 5% from our Year End Baseline: 14,321.	5225840 -Lib. Coll. Enhancement Grant		Our Program/Outreach continues attracting patrons. The featured items include: -Outreach Norbert Hill Center Childcare -Reading Incentives -Oneida Language Classes -Cookies and Canvas -Craft time for kids -Plus 3D printing for kids to design their own items. -STEM (pictures included) -Monthly Family Events
	Budgeted	\$7,000.00	
	Spent	\$2,477.00	
*Increase patron count by 5% from our Year End Baseline: 33,445.	Remaining Balance	\$4,523.00	-Outreach Norbert Hill Center Childcare -Reading Incentives -Oneida Language Classes -Cookies and Canvas -Craft time for kids -Plus 3D printing for kids to design their own items. -STEM (pictures included) -Monthly Family Events
	Over, Under, or On Target:	On Target	
	Variance Explanation: Spending has increased with pending orders of books and materials.		
*Increase STEM concepts into children's program and cooperation with other department/entities. As of right now both libraries host: -Tuesday TECH (Technology & Engineering Can Happen.) - Wednesdays: Cyber Silvers And at Green Earth: -STEM Fridays While at the Main Library: -STEAMMY (Science, Technology, Engineering, Art, Music, Math for Youth) Saturdays	52255860 - Library Federated		-STEM (pictures included) -Monthly Family Events
	Budgeted	\$29,022.00	
	Spent	\$6,183.00	
- Wednesdays: Cyber Silvers And at Green Earth: -STEM Fridays While at the Main Library: -STEAMMY (Science, Technology, Engineering, Art, Music, Math for Youth) Saturdays	Remaining Balance	\$22,839.00	-STEM (pictures included) -Monthly Family Events
	Over, Under, or On Target:	Under	
	Variance Explanation: Recent spending is increasing.		
*Address spaces issues in our library. This includes appropriate meeting place, study rooms, staff area and ADA accommodations as requested by the Library Board. Interest in moving into the current space used by Enrollments.	4225033 - Tribal Contribution		Upcoming Annual Open House which includes our most celebrated event the "Chile Cook off"
	Budgeted	\$160,254.00	
	Spent	\$131,927.00	
*Address spaces issues in our library. This includes appropriate meeting place, study rooms, staff area and ADA accommodations as requested by the Library Board. Interest in moving into the current space used by Enrollments.	Remaining Balance	\$28,327.00	Upcoming Annual Open House which includes our most celebrated event the "Chile Cook off"
	Over, Under, or On Target:	Under	
	Variance Explanation: Staff member on medical with no replacement, Tribal Policy Mandate.		

ONEIDA NATION MUSEUM

NARRATIVE	FREQUENCY/ UTILIZATION		HIGHLIGHTS
<p>The Oneida Nation Museum provides education about the Oneida and Iroquois culture, history, and nationhood by developing, preserving, and expanding resources and collections, and by providing exhibits and other educational programming. The museum also promotes Oneida/Iroquois artists.</p>	Self-Tour Walk-Ins:	154	<p>* Installed Move to Wisconsin Exhibit. Future aspects of this exhibit will include interactive maps.</p>
	Gift Shop Customers (No Tour Given):	205	
	# of Tours:	8	
	# of Tour Participants:	112	<p>* Installed Veterans Exhibit. This exhibit includes all the names of our Veterans. Future endeavors will include Veteran Images, interviews and more. This will be a yearlong project.</p>
	# of Events:	5	
	# of Participants:	125	
	# of Off-Site Presentations:	3	
# of Off-Site Presentation Participants:	57		
ANNUAL GOALS	DEMOGRAPHICS		<p>* Installed the Lacrosse Exhibit which features tribal members, history of the game including our cultural component.</p>
<p>* Research, develop & implement a new exhibit at the Oneida Nation Museum & at the Main Casino in the Cultural Corridor on an annual basis. This year's museum exhibit is about Lacrosse; Opening Date set for February 26th, 2018 and the casino exhibit is about Corn Husk Dolls; Implementation Date set for March 16th, 2018.</p> <p>* Offer a min. of 15, culturally/historically relevant to the Oneida Nation, hands-on activities throughout the year to the Community & Museum visitors.</p> <p>* Promote Tribal Artist of all ages through possible exhibit displays & the Annual Young Artist Auction.</p> <p>* Complete & implement necessary Standard Operating Procedures for the Care of our objects, archives and photograph collections by the end of the 2nd Quarter FY 2018.</p> <p>* Improve the utilization of our Facebook page to reach a larger audience to introduce & encourage people to learn the Oneida Language by viewing our weekly Oneida Words MP4 videos. To date our Facebook page data indicates we have 2,991 followers & our weekly Oneida Words videos received 1,400 hits in the 1st Quarter of FY 2018.</p>	Adult (18-54):	206	
	Elder (55+):	413	
	Total:	50	
		669	
	R&E's		
	42250		
	Budgeted:	\$571,651.00	<p>* Held a raised beadwork class. Due to the overwhelming responses, we immediately scheduled another class. That class was booked solid as well.</p>
Spent:	225,911.00		
Remaining Balance:	\$345,740.00		
Over, Under, or On Target:	On Target		
	<p>Variance Explanation: Gift Shop sales have been steady, above expectations. We will encounter large expenses at the end of the 4th quarter for rent of the Hudson building. However, we are still on target.</p>		<p>* Installed Corn Husk Doll Exhibit at Main Casino</p> <p>* Accessioned 200 new images into Past Perfect, updated 1568 files in Past Perfect</p> <p>Future Goals: Working with Woodland Indian Art to exhibit David Ninham Collection</p> <p>* Follow Up on Archival Assessment</p> <p>* Complete inventory of collections</p> <p>* Processed donations into the collection</p> <p>* Gathering information for Veterans Exhibit and Move to Wisconsin Exhibit</p>

TRIBAL HISTORIC PRESERVATION OFFICE

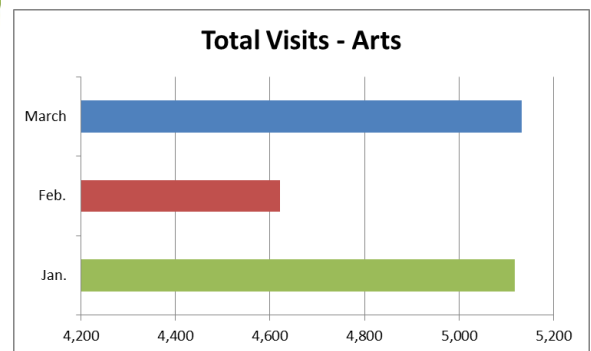
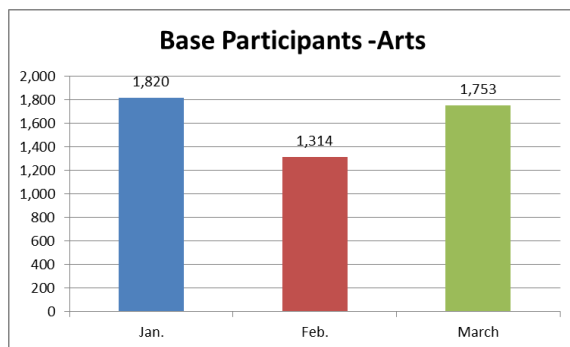
PURPOSE/MISSION	FREQUENCY/ UTILIZATION		HIGHLIGHTS					
<p>To preserve, protect, maintain, and interpret the Oneida Traditions, artifacts, language, custom, and history in a manner that shall promote the dignity and respect of the Oneida people and cultural, program; Tribal Historic Preservation Officer fulfills the grant with the National Park Service to protect preserve Oneida Cultural resources in compliance with the National Historic Preservation Act and the Oneida Tribal Laws.</p>	# of Notification Reviews:	53	<p>*Continue classes at CMN in Microsoft Word, Excel and Records Management. The projected benefits for taking the Business Technology 1yr Certification Class is to enhance my skills in preparing budgets & reports. The classes will help me evolve in technology for record management of the Historic Preservation records & writing skills.</p> <p>*THPO hands on presentation for History Department on artifacts. Had two tables full of hands on artifacts, unfortunately no one showed.</p> <p>*Was a part of changes for the amendments to the 157.70 State of Wisconsin Burial Law, I serve on this committee to review burial disturbances of all Native American Ancestors; the amendments to the law passed and Governor Walker Signed the Bill which is now Bill AB118. Please see attached with the changes that have been made and the bill passed it will enable WI tribes to be a component to approvals at the State levels when it comes to disturbances of Native American Human Remains on any site. http://docs.legis.wisconsin.gov/201</p>					
	# of Construction Consults:	7						
	# of Permit Reviews:	2						
	# of Research Projects:	28						
	# of Meetings Attended Related to THPO:	13						
ANNUAL GOALS	MEETING UPDATES							
<p>*Provide protection & management of Archaeological & Historical resources. All earth moving projects will be approved or disapproved within the exterior & interior boundaries by local, federal, tribal or state activities.</p>	<p>Met w/ Federal US Fish & Wild Life Agency re: any cultural resources that may affect Oneida Lake. Met w/ WPS on 6 utility projects to go over activity. Met w/ Golder Assoc. to review Archaeological Survey completed for cell tower. Met w/ demolition crew to inspect building for historical features. Met w/ NWTC land Survey Instructor for property w/in</p>		<p>*THPO hands on presentation for History Department on artifacts. Had two tables full of hands on artifacts, unfortunately no one showed.</p> <p>*Was a part of changes for the amendments to the 157.70 State of Wisconsin Burial Law, I serve on this committee to review burial disturbances of all Native American Ancestors; the amendments to the law passed and Governor Walker Signed the Bill which is now Bill AB118. Please see attached with the changes that have been made and the bill passed it will enable WI tribes to be a component to approvals at the State levels when it comes to disturbances of Native American Human Remains on any site. http://docs.legis.wisconsin.gov/201</p>					
					DEMOGRAPHICS			
					Local Agencies:	13		
					WI State Agencies:	0		
					Out of the State Agencies:	2		
<p>*Survey Oneida Reservation using Phase I, II, & Phase III methods. Phase I requires shovel testing every 10-15 transactions, Phase II includes 4x4 grids sift in 3 cm down until no more material is found, and Phase III requires grid profile, soil samples, retrieve material/ artifacts/ remains if present.</p>	Federal Agencies:	4						
	Total:		19					
	R&E's							
	5225X03 - Historic Preservation Office							
	Budgeted	\$90,960.00						
Spent	\$27,927.00							
Remaining Balance	\$63,033.00							
Over, Under, or On Target:	Under							
<p>*Maintain Para-Professional Certification</p>	<p>Variance Explanation: Waiting on Federal Government to allocate grant dollars, projected amount \$57,206.00.</p>		<p>disturbances of Native American Human Remains on any site. http://docs.legis.wisconsin.gov/201</p>					
					5225518 - Language Culture Broadcast		R&E's (Cont.)	
					Budgeted	\$10,000.00	5225X20 - Capacity Grant	
					Spent	\$10,000.00	Budgeted	\$4,500.00
					Remaining Balance	\$0.00	Spent	\$2,400.00
<p>*Administer Tribal Historic Preservation Grant</p> <p>*Add 1 historic structures listing on the Oneida and National Register of Historic Places.</p>	Over, Under, or On Target:	On Target	Remaining Balance	\$2,100.00				
	Variance Explanation: Closed out grant.		Over, Under, or On Target:	Under				
			Funds will be used for gravel at the Methodist cemetery in spring.					
<p>*Provide the Oneida Code 12 Law in Historic Preservation</p>								

EDUCATION AND TRAINING

The Education and Training Area of the Oneida Governmental Services Division provides educational opportunities for the Oneida people to reach their desired life outcomes.

The Education and Training Area is comprised of seven programs or departments:

- Arts Program
- Community Education Center (CEC)
- Airport Road Child Care
- Early Intervention and Birth to Three
- Higher Education
- Job Training (Vocational Rehabilitation, Workforce Investment Opportunity Act & Summer Youth)
- Youth Enrichment Services (YES)



Top Ten Arts Activities

Native Songwriting Project: With lots of last minute changes, Sadie Buck, Elizabeth Hill, Annie Humphrey, Kelly Jackson, Wade Fernandez, Frank Montano, Phillip Lopez and Dustin Skenandore

Raised Beadwork: Baby Moccasins & Picture frame

Quilled Earring

Paint Night

Writers/Theatre

Gustoweh making

Iroquois Family and Father/Son PowWow Singing

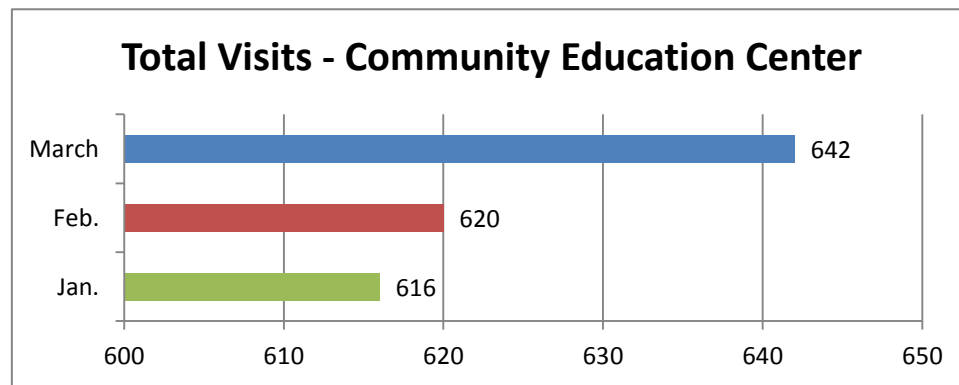
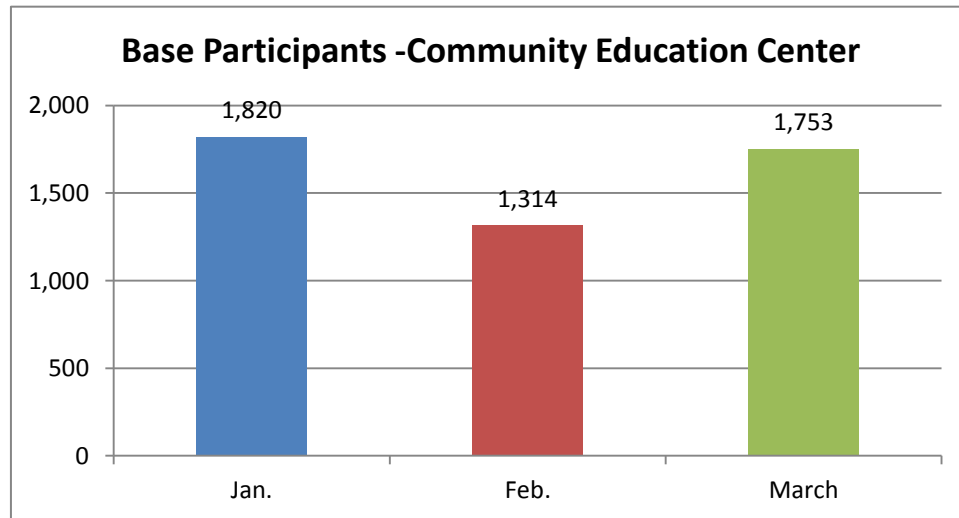
Music Lessons

Stories and Soup

Arts Board – The board responded to the GTC request for the last 5 years of the DAP funding. The Arts Board did a wonderful job of explaining and sharing the information.



COMMUNITY EDUCATION CENTER



Top Activities

RAS Team Partnership: classes approved for RAS points this winter/spring programming season:

- *Financial Literacy Program: Fern Orie of Wisconsin Native Loan, Valley Investment Solutions, Center for Self Sufficiency -TANF Budgeting Class*
- *Oneida Film Society to expand the program and bring awareness to their mission and vision.*
- *Inspire Your Sense with Aromatherapy*

Community Presentations: Brian Doxtator, The Importance of Storytelling, and learned the importance and role of oral tradition within our Oneida Culture, followed by the Creation Story with Randy Cornelius.

Take Your Business Online Workshop is a 6-week series purposed to guide a successful online business. Topics:

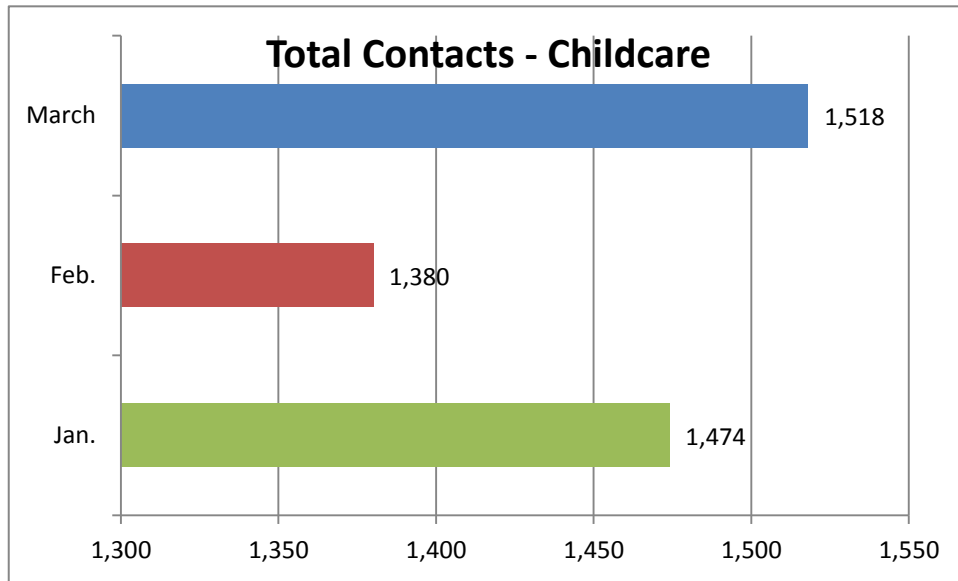
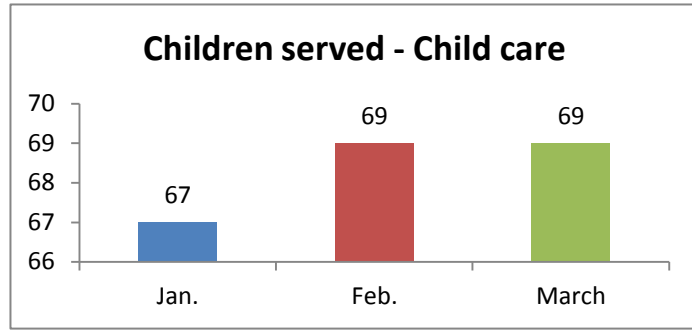
- *Let's Build the Site!-Use a Content Management System (CMS) like Wix or WordPress to quickly and easily build a dynamic site.*
- *Hosting / Domain Name-Learn to purchase domain names and Hosting company.*
- *Identity Theft: Protect and Prevent was a RAS eligible class offered by Wisconsin Bureau of Consumer Protection*

Summer 2019 Registration – Printed booklet and on line registration

In Development: Education & Training Area development of Oneida Scholars speaker series this summer, Elderly Services to provide a breadth of programming opportunities for elders, Integrated Food Systems to provide summer programming opportunities with Oneida Market and Microsoft.

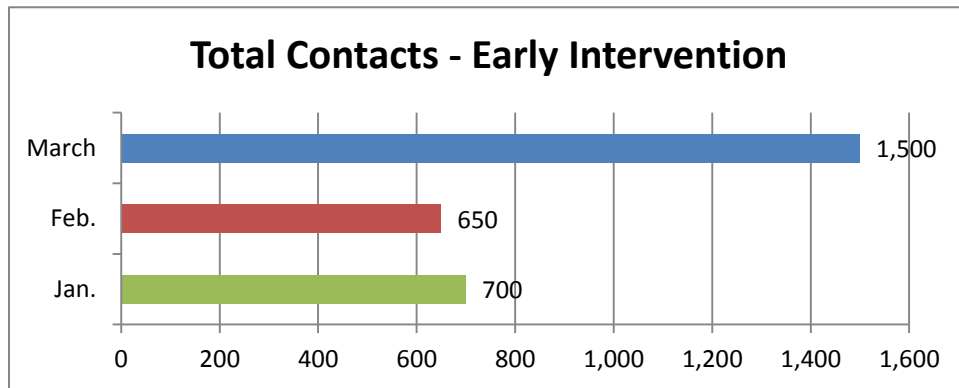
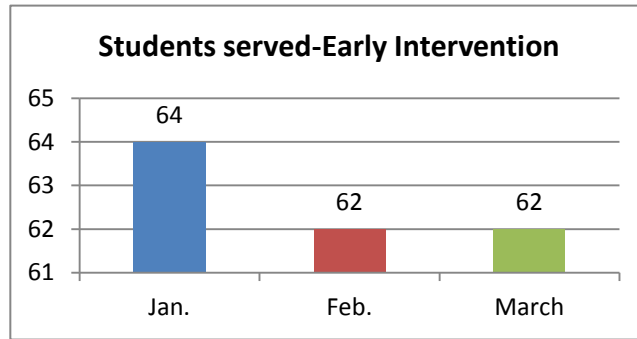


AIRPORT ROAD CHILD CARE CENTER



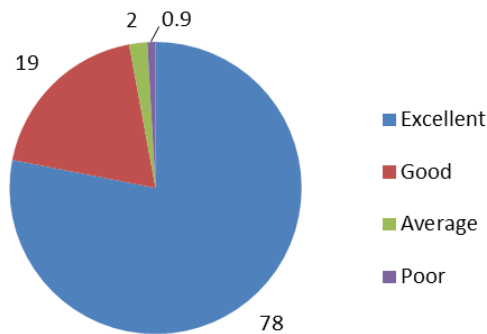


EARLY INTERVENTION – Birth to Three

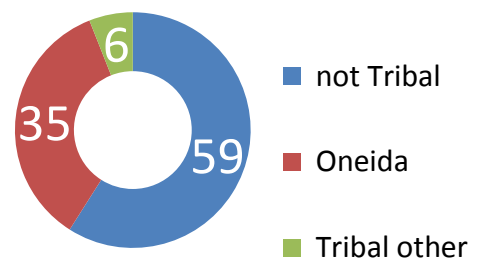


Breakfast with the Bunny- Oneida NWTC Partnership event

214 Attendees at Breakfast with Bunny rated the event:

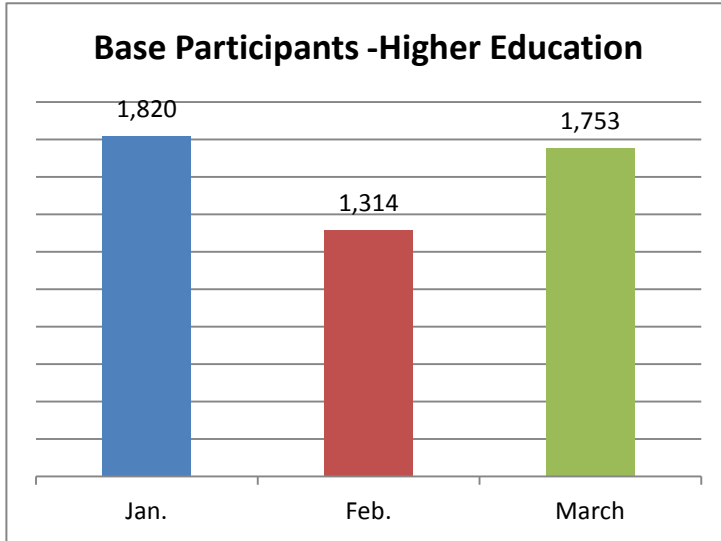


Who attended the event?

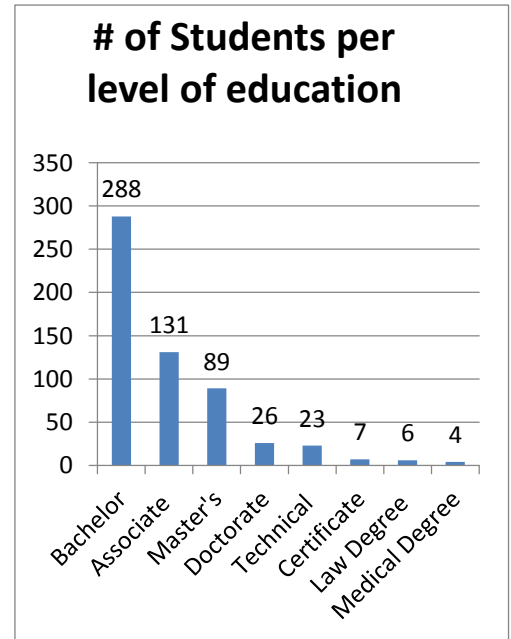
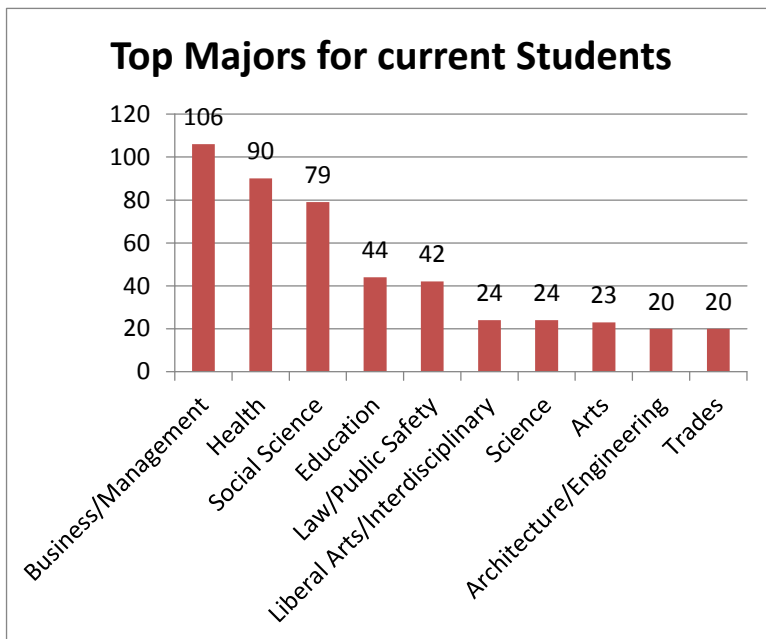
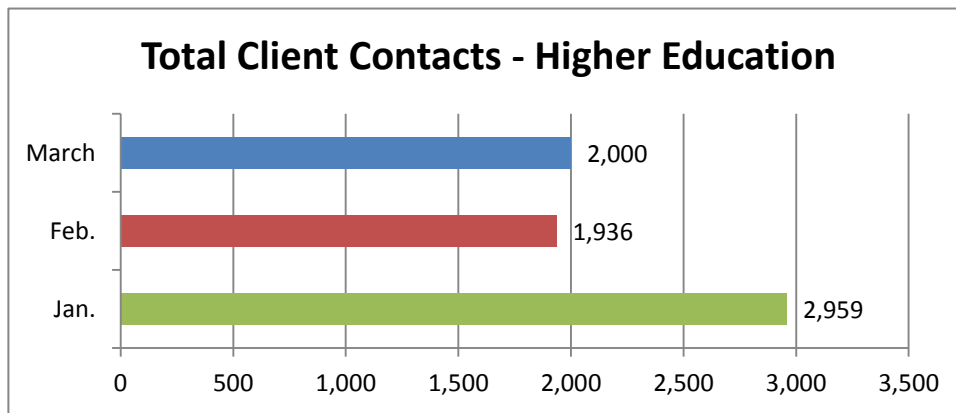




HIGHER EDUCATION



Staff Activity	QTR Count
Phone Calls/Emails	1344
Walk-in Clients	200
Applications created	135
Missing Letters Disbursed	910
Grades Processed	471
Student Clients	QTR Count
2nd quarter students funded	574
Tribal employees	93
2nd quarter average amount	\$6,671



Top Activities - Higher Education

Outreach events include Spring Financial Aid Workshop, High School Visits, Oneida - NWTC Breakfast with the Bunny Event.

Graduate followups: Assisted OBC, HR and Oneida Courts identify and reach out to degree recipients for opportunities with enrollments department.

Working with Wisconsin Tribal Higher Ed. Directors on a Panel Discussion Presentation at upcoming Spring WASFAA Conference.

Working on San Manuel grant proposal for upcoming Fall Term High School College Fair.

Continue planning events at Site II Falling Leaf Community Bldg.

Reached out to students on Probation contacts: 10 out of 15 (67%) reached

Resolved financial aid information sharing restrictions from US Dept. of Ed. which was a major change to process.

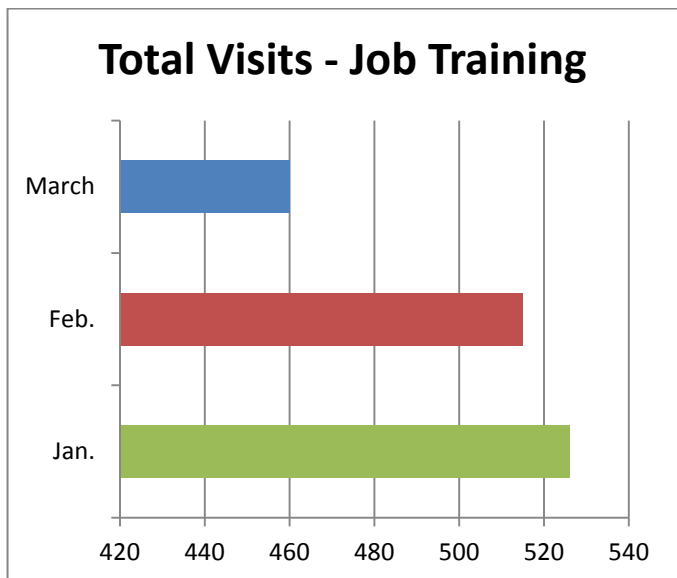
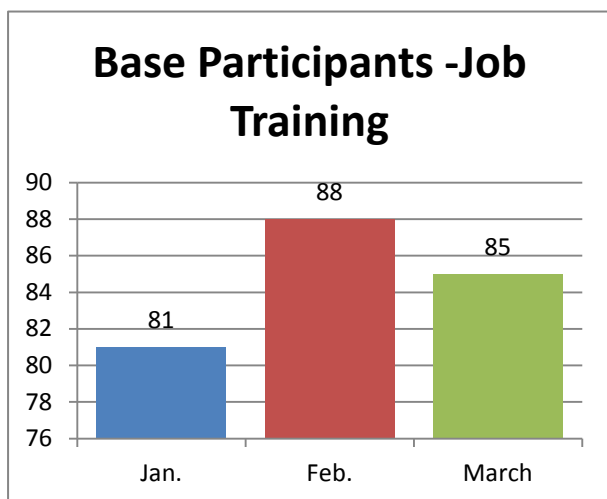
Developed suggestions for future application/spending of Purcell Powless Scholarship to Area Mgr. Meeting with family is pending.

Working with MIS on increasing customer service with HE phone system and on data metrics and new reports.

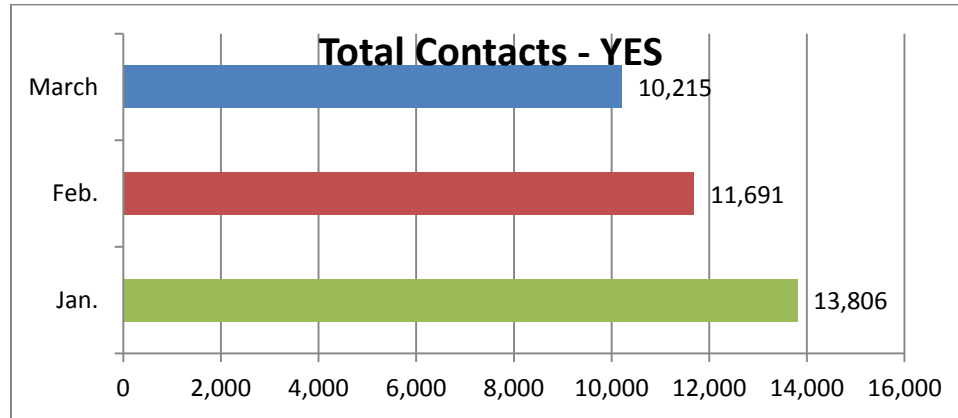
Took over our Survey Monkey survey responsibilities from Oneida Planning



JOB TRAINING – Vocational Rehabilitation and Workforce



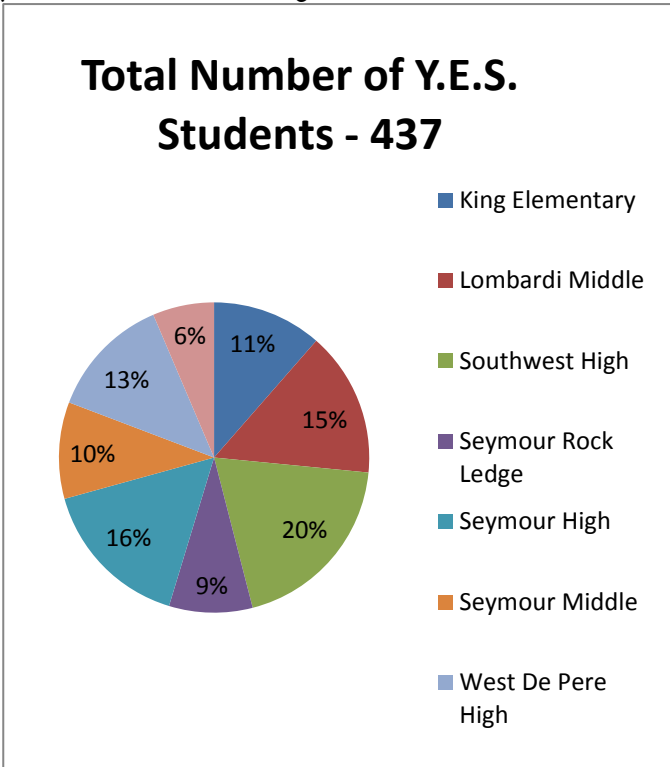
YOUTH ENRICHMENT SERVICES



Top Activities

57% of Client Profile & Development Plans Completed (Based on 456 Y.E.S. Eligible Youth on the student database for October. This does not include the Title VI youth. The 509 is the current number of students on the updated database.

- Oneida Language: Lombardi, Rock Ledge Intermediate
- Girls Group: Rock Ledge Intermediate, Lombardi
- Boys group: Lombardi, King (w Experiential)
- Daily morning group co-facilitated with Title VI Staff, King
- Beading Class during Lombardi Oneida Language and Culture Group
- Healthy Lifestyles Group - West De Pere High
- Native Crossroads with Experiential – King, Lombardi
- West De Pere High – UWGB Phuture Phoenix Tutor started 2 days per week
- Parent/Teacher Conferences and Title VI Parent Night at King, Lombardi
- King – Lombardi Advocate Presented on White Corn and Revolutionary War to 4th-5th Grade Classes
- Southwest Staff proctored the ACT for 4 Native Students and Higher Ed department visit with seniors.
- Lombardi Talent Show: 13-16 Native students preparing to perform in school's talent show performing a water song, smoke dance and singing memorial song w/slide show.
- Seymour Rock Ledge – Advocate worked with second grade teacher to schedule a Brown Bear reading in Oneida. Specialist facilitates a Crazy 8s Math Club which had 13 participants.



ADMINISTRATIVE AREA



EDUCATION & TRAINING FTE STAFF	
Administration	3
Arts	2
Child Care	26
Community Education Center	2
Early Intervention	2
Higher Education	6
Job Training	6
Youth Enrichment Services (YES)	17
Total Staff	65

2nd Quarter Variance Report (January 1, 2018 thru March 31, 2018)

Business Unit	BU#	Budgeted	Actual	Variance	Cause
Adult Vocational Training	5213x01	\$ 121,452	\$ 163,003	(41,551)	Trending
Workforce Investment Act	5213x03	44,382	51,860	(7,478)	Trending
Supplemental Youth Services	5212x05	0	3,896	(3,896)	To be reimbursed
Playwright Festival	5225x81	0	3,360	(3,360)	Grant not entered
Tribes Birth to Three	5211x27	2,499	3,043	(544)	Trending
Higher Education	5213x31	95,616	95,728	(112)	Trending
Self-Gov Ed & Training Admin	5210x02	2,052	1,167	885	
Arts Re-Grant	5225x54	9,111	7,938	1,173	
DayCare/Head Start Food ARCC	5211x01-500	15,759	10,977	4,782	
BIA Early Intervention	5211x24	108,408	103,419	4,989	
American Indian Rehab Service	5213x10	6,672	1,251	5,421	
Self-Gov Youth Enrichment Svcs	5212x07	21,690	2,134	19,556	
Education & Training Admin	4210001	63,246	41,577	21,669	
Arts Program	4225051	107,001	81,089	25,912	
Oneida VR Services Project	5213x06	122,259	88,395	33,864	
Community Education Center	4213061	125,544	72,296	53,248	Vacant positions
Youth Enrichment Services	4212001	289,230	234,406	54,824	Vacant positions
Airport Road Child Care	4211052	401,526	321,960	79,566	Vacant positions
Education Fund	4213034	4,544,090	3,828,110	715,980	Less students
Total		6,080,537	5,115,609	964,928	

PARKS AND RECREATION

Executive Summary

The Parks and Recreation Area is focused on providing wellness opportunities for Oneida members and employees. The departments in the Area are Family Fitness, Parks, Recreation, and Adventures/ Experiential.



The Family Fitness Department has become a Silver Sneaker partner this quarter. This will help with in retaining our non-Oneida population, as it is an insurance reimbursement program. This is important for the Center as we count on the income from non-Oneida monthly memberships for balancing our budget. Unfortunately, we saw a drop in membership and customers using the facility during this quarter, in talking with members they stated they went elsewhere for classes. We had to decrease the number of classes offered and Saturday classes because we did not have staff available. We have added sub-relief staff and increased the number of classes offered in the Third Quarter. The Fitness Center should see a correction in the membership and utilization drop with the addition of Silver Sneakers and the additional classes.

Parks has been busy getting the parks cleaned and ready for the spring. There was some snow mobile tracks on the Community Lacrosse field, but fortunately no damage to the field. Unfortunately, because of the high cost of repairing the Port-a-potties the past two years, we will not be placing the restroom facility at the lacrosse field this summer. The Oneida Nation School System/ High School have been notified as well as the Community Lacrosse Program.

The Recreation department has been very busy this quarter. The youth have been climbing the wall, literally, with the Experiential Department, basketball camps and more. The attendance is down for the teen group, which has made it possible for the gym to be utilized earlier in the evening by different sports and groups. Both Civic and Cliff Webster (Cty H.) facilities gyms have been booked all week and most weekends. The Cliff Webster facility is open for rentals on the weekends, however, this calendar is filled quickly with family parties and reunions.

The Experiential and Adventures Department has had a full calendar with activities for all ages. The focus of this department is to show how easy it is to be active, appreciate the outdoors, and get you the "tools" to know what you need to be outside safely. The staff always go over safety talks prior to any excursion, which includes, but is not limited to telling family/ friends where you are and how long you are expected to be gone, dressing for the weather, and what to do in an emergency. In addition to snow shoe tying classes, walking stick classes, and overnight trips, the staff works with native youth in local schools and with our Recreation youth. Finally, the Department provides many mindful activities to help the groups learn how to de-stress, quiet the mind, and appreciate all the outdoors has to offer. The Mindful Walks are in support of the RAS opportunities for the organization, but are open to non-employees as well.

ONEIDA FAMILY FITNESS

NARRATIVE	DEMOGRAPHICS	FREQUENCY/UTILIZATION	BULLET POINTS
<p>Oneida Family Fitness provides health and wellness opportunities for all ages and abilities, to include physical activities and preventative health education to encourage total well-being. This quarter we continued to focus on maximizing fitness and wellness programs to increase engagement and participation.</p>	<p>Base Number: 4,343 members</p> <p>AGE GROUPS</p> <p>0-3: 4-12: 13-17: 18-35: 36-54: 55-64: 65+:</p>	<p>Customers used Oneida Family Fitness services 26,316 times in the 2nd quarter of FY18</p> <p>14 members; 58 visits 189 members; 1,964 visits 174 members; 1,994 visits 361 members; 5,837 visits 354 members; 6,558 visits 160 members; 3,547 visits 154 members; 4,083 visits</p>	<ul style="list-style-type: none"> • Provided a Weight Loss challenge/incentive (156 participants with a total weight loss of 581.6 pounds) • Provided Swim Lessons; 46 participants • Collaborated with Insurance providers to become a Silver Sneakers fitness facility • Provided 414 fitness classes (4,844 attendees) • Aquatic attendance (5,270 attendees) • Provided 167 Martial Art classes (1,477 attendees) • 97% customer satisfaction rating achieved
<p>Collaborate with Oneida Programs to provide wellness opportunities.</p>		<ul style="list-style-type: none"> • Provide programming and met with Diabetic clients 84 times; continue to work with Health Center to improve program • Provide exercise class for elders at Elder Services 1x week (113 participants) • Participated in the Community March of Dimes Pancake breakfast fundraiser; raised almost \$500 • Offered family fitness programming for Family Fun Night; over 500 participants • Offer outreach fitness programming for Headstart kids; Fit Kidz program • Collaborate with Diabetic area to provide Bellin Run trainings & registrations for Team Oneida 	
<p>Increase participant's KSA's of physical fitness and healthy lifestyles to reduce health care costs.</p>		<ul style="list-style-type: none"> • Support RAS points for health plan participants by utilization. • Provide off-site Yoga & Meditation classes • Offered a Winter Warrior Workout to martial art students to increase program knowledge and build relationships; 45 participants • Reward members who engage in the recommended physical activity (3-5 days/week); 11% of membership 	

PARKS

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
<p>The Parks Department provides maintenance and landscaping (mowing/ tree branches, etc.) to 18 parks throughout the reservation and 2 multipurpose fields next to the Cliff Webster Recreation Facility and the community Lacrosse Field in Flying Leaf Neighborhood. In addition to snow removal at the Parks, during the second quarter the staff removed branches, garbage and prepped the fields for the spring. The Parks Department also monitored snow mobile use on the fields. The staff repaired parks equipment, built benches for the parks, and did maintenance on the lawnmowers and weed-eater equipment. In addition to regular maintenance of equipment, the 2 Staff assists in gathering items and preparing items for crafts with elders, building and repairing items for the parks for summer use.</p>	<p>Base number: 18 Parks and 2 multipurpose fields and a community lacrosse field.</p>	<p>Customers use in the parks has been low, but parks are still monitored for use, drug paraphernalia, and equipment damage. The lacrosse field had some snow mobile tracks across the field, fortunately this year the field has not been damaged. There were spots where the turf was showing, but no damage was visible</p>	<ul style="list-style-type: none"> • Provide tree branches for the crafts program with the Activity Specialist working with community members at Elder Services. • Worked with Grounds Crew to share Truck during weekend snow removal. • Flying Leaf Lacrosse field (driving on field with snow mobiles). • The staff repaired parks equipment. • Built benches for the parks, and did maintenance on lawnmowers and weed-eater equipment

RECREATION

Program	Annual Budget	Quarter 1 Expense	Quarter 2 Expense	Quarter 3 Expense	Quarter 4 Expense	On Track Yes/No	Amount (%) Tribal Funds	Amount (%) Other Funds
Recreation	\$1,014,543	\$230,812.54	\$225,569.49			Yes	100	0

Program	Total Staff	# of Oneida Staff	# of Other Tribe Staff	# of Non-Tribal Staff	Current Vacancies
Recreation	13	10	0	3	0

Program	Measurable Outcome(s)/Status	
Recreation	Arts: 77% of youth at the Civic Center and 49% of youth at the Clifford E. Webster building were introduced to a new art medium each month.	
	Learning Center: 51% of learning center participants at the Civic Center and 79% of learning center participants at the Clifford E. Webster building complete their homework assignments. Average GPA = 2.75 at the Clifford E. Webster building for the first grading period.	
	Social Recreation: 46% of youth at the Civic Center and 69% of youth at the Clifford E. Webster building were taught the 6 pillars of Character Development and given opportunities to use these traits.	
	Sports & Fitness: 49% of youth at the Civic Center and 36% of youth at the Clifford E. Webster building received their 60 minutes of recommended daily physical activity.	
Program	Base # of Customers (unduplicated)	# of Customer Visits/Contacts (duplicated)
Recreation	365	6737

Program	Prime/Main Activities/Services Offered this Quarter
Recreation	After-School Program – Arts, Education, Social Recreation & Sports & Fitness. Elder Program – Bingo & Bowling.

Program	This Quarter's Highlights / Challenges / Next Steps
Recreation	Basketball Camp: 5 Week Session – Age Groups 7-9 and 10-12. Held at the Clifford E. Webster Recreation Building on Tuesday evenings during February & March. 7-9 Age Group – total attendance = 48. 10-12 Age Group – total attendance = 49. Fans/Parents = 39. Program generated several new memberships for our department and attendance was steady for all five weeks. The youth really enjoyed learning basic basketball skills and playing scrimmages.
	Aquaponics Tour & Volunteering: On March 26 & April 2 – one staff member accompanied 4 ONES students & 6 Seymour students to the Aquaponics site at the Veteran's building. They went on a tour and then went straight to work: cutting & cleaning the lettuce, scrubbing the trays and planting seeds. It was an invaluable lesson on community service.
	Our department partnered with Experiential Education to offer our participants a unique experience on the Ropes Course and rock wall at the Civic Center. Every other Thursday in January & February – youth were able to use the rock wall and the ropes course. They really enjoyed their experience. Total attendance = 32 youth.
	This quarter we fed 1,599 Recreation participants during our after-school program.
	This quarter we paid for 1,128 Transit rides to ensure that our youth return home in safety from our facilities.



EXPERIENTIAL & ADVENTURE

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
<p>Oneida Experiential & Adventures uses hands on interactive activities to help individuals and groups develop themselves to help them be their best selves.</p>	<p>Base number: 823</p>	<p>Customers used Oneida Adventures services 2,695 times in the 2nd quarter of FY2018</p>	<p>Adventures Serves:</p> <ul style="list-style-type: none"> • Community Members • Individual Employees • Specific Therapy Groups • Department Team Building conflict Resolution • Students @ Oneida and YES Programs • Environmental Education • Diabetic Winter Multi-Day Excursions
<p>Oneida Experiential provided healthy options for the RAS point system, by helping employees to improve their health by making real behavior changes and discovering and overcoming road blocks that has prevented them from making these changes previously. Participants increased their understanding on physical and emotional health. Instructed interactive Diabetic education- Grant funded programs.</p>	<p>AGE GROUPS</p> <p>18yo -70yo</p>	<p>658</p>	<p>Provided classes for:</p> <ul style="list-style-type: none"> • Diabetic Grant • Elder Services • Provided winter activities that focused on behavioral changes • Depression prevention/reduction • Introduced new formats- Our Pathways of Life Stick Making Class • Snow Shoe Tying Class • Discover Scuba Class <p>Conducted activities for Reasonable Alternative Standard (RAS) Points for employees. Provided mindful walks snow shoe hikes for employees for RAS points in conjunction with Diabetic and Stress reduction Education, hikes, and The RAS Participants increased stress reduction awareness by 93%.</p>
<p>Family Enrichment Programs Domestic Violence Support AODA Parenting program</p>	<p>18yo -81yo</p>	<p>1354</p>	<p>Our Elders self- reported significant Increase in morale 71 % With 86% reporting a desire to try new (more physical) programs with us.</p>

<p>Youth program: Behavior Intervention, Character Development, Environmental, After school, Survival, Outdoor skills, High School Adventure, Archery, Youth Healthy Relationships JMIO, Family Fun Night</p>	<p>7yo-18yo</p>	<p>683</p>	<p>Provided Adventure curriculum for youth to connect to the natural world, each other and themselves.</p>
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SOCIAL SERVICES

Executive Summary:

Our Oneida Nation Social Service (ONSS) programs:

- continue to serve the Oneida Nation population meeting its diverse and challenging needs on and off the reservation
- offer a variety of services which are listed below, with multiple funding sources originating from the Nation, BIA, State and Federal agencies
- supply basic support and emergency assistance to individuals and families who meet eligibility requirements, and have a need
- serve as an assistance unit and continue to be an important safety net for the membership
- reflect the Oneida Nation's successes, through the services we provide which align with the Nations' Vision: A Nation of strong families built on Tsi'Niyukwaliho TÁ and a strong economy.

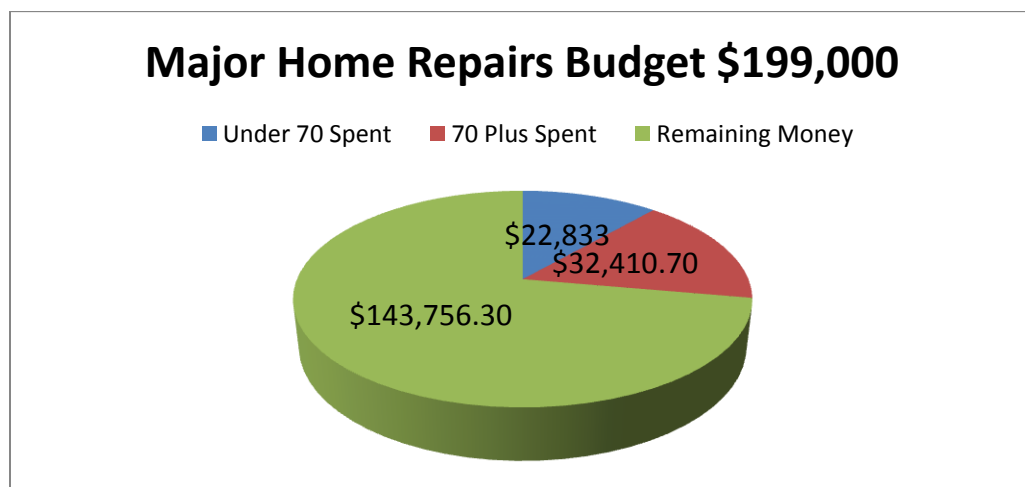
ELDER SERVICES

This quarter Elder Services has been eagerly awaiting having the vacant positions filled with qualified applicants. There are five (5) positions to be filled and have recently welcomed one (1) new employee to the Home Chore staff. Once fully staffed, we are confident that the services provided will definitely see an increase in the clients served. The congregate meal site has seen an increase due to more eligible elders are utilizing a newfound benefit. The Major Home Repair funds have been utilized with the assistance from the Engineering Department providing the scopes of work needed for each project. With the onset of new staff this fiscal year, employees have received training to better the reporting process and look forward to beginning the budget process. We thank everyone who extends their helping hand when needed. As always we want to thank you for your continued support to allow Elder Services to provide the necessary services and assistance to the elder population.

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
Elder Services Mission: To assist our elders to maintain an independent, healthy, productive & quality lifestyle through love, caring & respect by services we provide. Vision: We provide quality home & community based programs for elders & are a model for other aging entities.	Brown & Outagamie Counties within Reservation Boundaries. Priority is given to elders age 70+ and age 55 to 69 with proof of disability. Base number: 1106	394 unduplicated customers used our services 11,590.75 times in the 2nd quarter of FY18	Twa wah tsile (We are all family) Elder Services provides home & community base services to assist elder to remain in their homes.
	AGE GROUPS		
Congregate Meals	Native American 55+ & Non-Native 60+	193 Clients & 3599 Services	Meals provides 1/3 of daily nutritional value
Home Delivered Meals	Native American 55+ & Non-Native 60+	80 Clients & 4935 Services	Meals provides 1/3 of daily nutritional value

Native American Family Care Giver	Native American 55+	55 Clients & 352 Services	Support groups, Respite Care & Voucher program
Outreach Services	Priority 70+ and disabled, Native American 55+ Non-Native 60+	80 Clients & 339.5 Services	Assessments & Monitor Emergency Response Systems (ERS)
Elder Abuse	Native American 55+	3 Clients 3 Referrals & 0 Services	Case Management *position vacant- waiting to be filled. All calls go to Asst. Program Manager.
Benefit Specialist	Priority 70+ & 55 - 69 disabled, Native American	32 Clients	Provides information, assistance and administrative representation, coordinates with other county, community, tribal and governmental agencies, under the direction of the Regional Legal Assistance office.
Home-chore	Priority 70+ & 55 - 69 disabled, Native American	125 Clients & 261.5 Services	Snow plowing & lawn services. Minor handy man repairs
Transportation	Native American 55+ & Non-Native 60 +	40 Clients & 1130.5 Services	Transportation to meal-site & bus passes for working elders
Information & Referral (I&R) & DRUMS	55+	1155 elders - DRUMS	DRUMS articles posted monthly in Kalihwisaks, Elder Services Facebook page and A-Z email communications; Information & Referral varies from dangerous trees needing to be cut to financial assistance and assistance in finding employment.
The Aging & Disability Resource Specialist (ADRS) offers information and referrals on community and county resources to Oneida community members and functionally assesses members for Medicaid programs found through	22-59: 1 calls 60-99: 5 calls	Long Term (LT) Function Screens: 0 Brief/Short Term Service Coordination: 0	ADRS has yet to be trained in SAMS, Function Screens and more, and has her training upcoming in the next 2 weeks. Topic categories discussed

<p>the Community Option Program Family Care, IRIS and Partnership programs through Brown and Outagamie Counties.</p>		<p>Follow-up: 6 Information & Assistance (I&A): 0 Options Counseling: 0</p>	<p>during calls in last three months: adaptive equipment, Alzheimer's and other Dementia, ancillary services, end of life, food, health, home services, housing, income maintenance, legal services, medical home care, mental health, nursing home, public benefits, financial-related needs, taxes, transportation.</p>
<p>ADRS has attended the Brown County ADRC Board meeting this past quarter & the Appleton Hoarding training. In February the ADRS was able to shadow Menominee's Elder Service program. Gave a presentation at the congregate meal site to promote the services offered through her program & Elder Services. Also presented to Brown County about our program.</p>			
<p>Major Home repair</p>	<p>Priority 70+ & 55 - 69 disabled, Native American</p>	<p>6 clients</p>	<p>Repairs regarding health & safety * position vacant-waiting to fill & Kevin House from engineering has been providing scopes of work on his down time for us which has been extremely helpful in spending down this money.</p>



Elder Valentine Lunch Date February 16th, 2018



New Elder Services Banner & Elder Services All Staff Picture



CHILD SUPPORT AGENCY (Shakoti'nukú'lale? Latiksashúha? *They watch over the children*)

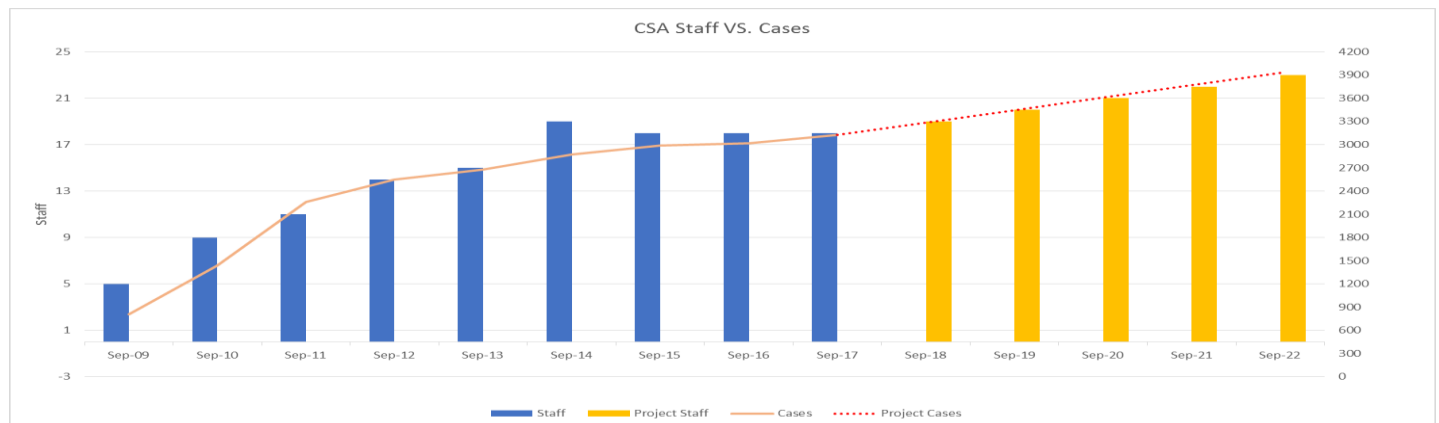
The Child Support Agency is a federally funded program through the Administration for Children & Families. The ONCSA establishes paternity and child support, locates absent parents, enforces child support orders as well as reviews and modifies child support orders. ONCSA promotes parental responsibility to ensure children receive support from both parents if living in separate households.

This quarter we filled the paralegal position, finance specialist, and two case manager positions within the agency. There were 2,940 open cases resulting in 490 cases per case manager. This is more than double the normal case load for ONCSA case managers. We will hire the final two case manager positions in April.

The Director attended the National Child Support Association Policy Forum as well as the Region V New Director's Training. The Director along with three (3) Child Support managers completed the eight-week, Oneida Trauma Informed Parenting classes.

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
The Oneida Nation Child Support Agency locates absent parents, establishes paternity, establishes child support orders, and enforces these orders for non-custodial parents to pay support for food, clothing, basic necessities, and health insurance for children. These needs being met provide financial and emotional well-being for children.	Current cases as of 3/31/18: 2,940 490 cases/case manager	11,786 customer contacts this quarter.- This includes customer appointments, phone calls, and walk-ins.	Stipulation - 25 Hearings - 30 Director attended the National Child Support Enforcement Assoc. Policy Forum and Region V New Director's training. Paralegal and Finance Specialist positions filled in February and 2 Case Managers in March. Remaining two case managers to be filled next quarter.

The Chart below shows the Child Support Cases that have increased over the years in respect to the staffing level needs.



FOOD DISTRIBUTION

The Food Distribution Program is a federally funded food assistance program for low-income families that services anyone within the reservation boundaries are within the income limits set by USDA. USDA is the main grant funding source. Grant is 75% funded by USDA and 25% tribal contribution. We also service Brown, Outagamie, Door, Manitowoc, and Kewaunee Counties to households that have a member of a federally recognized tribe. They must also qualify according to the USDA income guidelines.

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
Each month, participating households receive a food package to help them maintain a nutritionally balanced diet. Participants may select from over 100 products of either fresh, frozen or canned	Total base numbers for the quarter: Clients: 2,210 Families: 1,060	1,060 families utilized program Jan: 355 Feb: 351 Mar: 354	A total of 282 Food Deliveries to the Elderly and Disabled
	AGE GROUPS 0-3: 39 4-9: 64 10-17: 62 18-30: 59 31-55: 93 56-70: 29 70+: 12	Phone calls relating to our service for the quarter: Outgoing: 1,106 Received: 658 Total: 1764 Walk Ins: 1,582	All the staff received CPR Training



FAMILY SERVICES

Indian Child Welfare (ICW): 375 children received services by the department through on-going/intake case management. Department continues working through the Children's Code implementation plan. The ICW department filled one (1) of the final two (2) ICW Social Worker/Case Manager positions. The Department also met with GSD and Outagamie Co. leadership to begin reviewing the Memorandum of Understanding (MOU) & 161 Agreement. Continued efforts toward implementation will continue. The Department continues to struggle with the level of cases impacted by substance abuse, mainly opioid and methamphetamines. Efforts continue to identify community resources to better meet the needs of the impacted families.

Foster Care: Program continues to recruit and license new foster homes, some child specific and others open to foster placements. Three (3) foster homes were in process of becoming licensed during the second quarter. Program continues to work in collaboration with the State, local county, and community on recruitment initiatives as lack of foster homes is a trend across the county.

Parenting: Parenting Education Class (PEC) began in January and concluded in March with 12 participants graduating. Trauma Informed Parenting (TIP) offered during concluded March 22nd with a total of 30 participants. Community, Tribal and State-wide interest increases in our Parenting programs offered and requests for services continue to increase. The additional Parenting Program Coordinator has been to training this quarter.

Prevention: Services for youth continued in the schools. Program continues to work toward providing youth education regarding substance abuse, self-esteem and overall wellness. Program began to offer a 6-week session titled Motherhood and Fatherhood is Sacred. Began planning for a staff and community event with speaker Al Pooley scheduled for April 11, 2018.

Domestic Abuse: Program continues to offer individual and group/family services who are experiencing domestic abuse or are survivors of sexual assault. Services are offered in the office, in the home, and/or school/community setting. Vacancies in our Community Advocate Youth Female & Male positions resulted in limited services offered to youth who are impacted by Domestic Abuse. Female Advocate applicant accepted offered position and Male Advocate position has been reposted. Began planning Sexual Assault event scheduled for April 23, 2018.

**A tremendous amount of transition occurred within Family Services with additional staff being hired this quarter impacting ICW, Foster Care, and Parenting. Continually providing training opportunities for newly hired staff.

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
<p>Indian Child Welfare: Provides child protection, parenting, and foster care services to Oneida children and families in accordance with the Indian Child Welfare Act and the Department's mission. Program goal is to assist/support families to provide a safe, nurturing and stable home environment for their children.</p>	<p>375 intake totals (Oneida children and families involved in county/state Child Welfare systems)</p>	<p>1820 (Client contacts; home visits and all correspondence)</p>	<p>* 125 (children) served monthly- On-Going/ Intake case management</p>
<p>Foster Care: Licenses foster homes and kinship providers to offer placements for youth in out-of-home care (voluntary and involuntary) that follow the placement preferences set forth by the Nation.</p>	<p>217 (Oneida youth in out-of-home care; with a relative, foster care, residential, group home, detention center.</p>	<p>2627 (Client contacts; home visits and all correspondence)</p>	<p>* 57 Kinship-monthly average *15 youth in foster care-monthly average *3 respite</p>
<p>Parenting: Provide parenting education & support to families in the community who are either mandated to meet conditions or voluntarily participating.</p>	<p>214 (voluntary, mandated parents, foster parents, community members)</p>	<p>1195 (Client/participant contacts; group session, individual sessions, home visits and all correspondence)</p>	<p>*12 participants in Parent Education Class (PEC) & 30 Trauma Informed Parenting (TIP) each session</p>
<p>Prevention: Services provided to youth K-8th grade as well as families designed to support them in healthy and safe lifestyles.</p>	<p>719 (Youth and family attendees)</p>	<p>1805 (Youth group sessions attendees)</p>	<p>*Youth groups offered in school *community education events</p>
<p>Domestic Violence: Education on healthy relationships, crisis and on-going support to families who are experiencing or who have experienced domestic violence.</p>	<p>588 (Women & Men groups and individual services)</p>	<p>936 (Group & individual session, all other related correspondence)</p>	<p>*Women's Group *Men's Group *Individual and crisis support offered</p>

One Billion and Rising-Women's Justice

Staff supported women's justice and equality by wearing their purple shirts on the annual One Billion and Rising movement awareness day 2/14/18 to show solidarity! We also showed support and solidarity during International Women's day 3/8/18.



ECONOMIC SUPPORT SERVICES

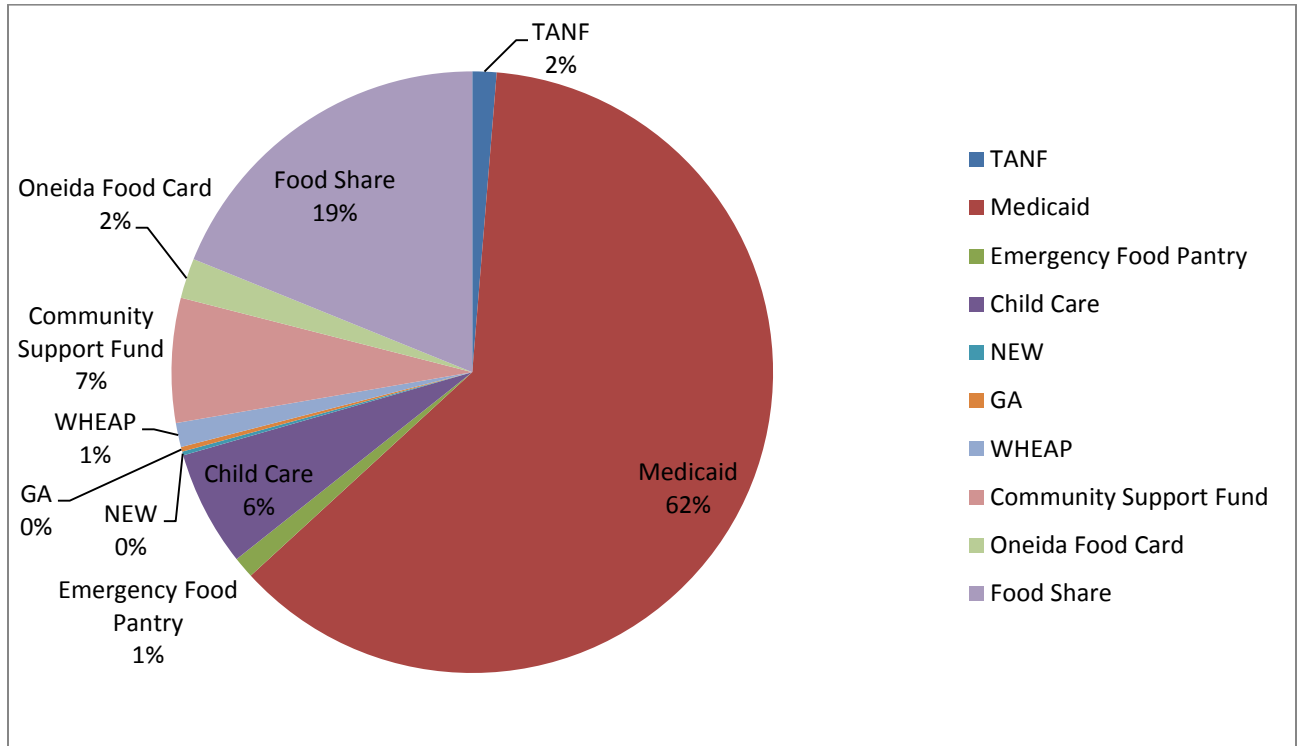
All staff met the required State trainings for Income Maintenance (IM) as required in the State/Tribe IM contract for the fiscal year.

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
<p>Economic Support administers several public assistance programs. One being the TANF (Temporary Assistance for Needy Families) program. The TANF program promotes employment and personal responsibility to financially strengthen families. This is done by providing parents or caretakers with employment preparation and/or supportive services that promote family self-sufficiency and financial responsibility.</p>	<p>Agency TANF Cases: Cash Assistance: Jan.-9 Feb.-10 Mar.- 9 Total cases: 18 Crisis Assistance: Jan.-7 Feb.-6 Mar.- 2 Total cases: 15 Diversion Assistance: Jan.-36 Feb.-53 Mar.. 19, Total cases: 108</p>	<p>Jan. appt.: 61 Feb. appt.: 56 Mar. appt.: 51 Jan. calls: 590 Feb. calls: 777 Mar. calls: 731 Jan. NS/NC: 26 Feb. NS/NC: 19 Mar. NS/NC: 10 Total appt.: 168 Total Calls: 2098 Total NC/NC: 55 Agency Appointments of IM and TANF</p>	<p>The TANF 2018-2021 plan was submitted on 2/26/2018. The Oneida Resolution was signed on 2/14. The potential penalty for TANF was addressed by ACF will no longer be an issue after resubmitting the reports. The TANF program is preparing for the upcoming Summer Youth Intern. We also plan on review the dates for the back school clothes program. We intend to start the program earlier and end sooner than before. TANF collaborated with Job Training, ICW, Prevention, and Child Support to bring in Al Pooley to speak on 4/11. There will be a community event in the evening and a staff event in the morning of 4/11 on positivity.</p>
<p>Food Share and Medicaid Assistance is another program that assists low-income families by providing support in the form of food and medical assistance.</p>	<p>Agency Medicaid: Jan. 631, Feb. 533 , Mar. 629 Total All IM programs: 5159 Agency Food Share: Jan. 533, Feb. 532 , Mar. 508 Total Food Share: 1573</p>		<p>The Income Maintenance program numbers continue to stay steady with no significant increase or decrease in client usage.</p>

<p>Child Care provides assistance to low-income families through two separate sources. Wisconsin Shares is the state child care assistance program and is processed through the State Child Care system. CCDF (Child Care Development Fund) is a federal grant that is utilized to assist families whose income exceeds the State income guideline. CCDF child care subsidies also assist with some child care registration fees and other community initiatives. Family Services Program grant assists with Respite care services.</p>	<p>Child Care Case Averages: WI Shares cases: Jan.- 49 Feb.- 44 Mar.- 47 Total- 140 CCDF Cases: Jan.- 25 Feb.- 21 Mar.-22 Total- 68 FSP(Respite) Cases: Jan.-2 Feb.-3 Mar.- 5 Total- 10</p>	<p>Onsite Child Care center utilized: Jan.-121 Feb. -103 Mar.-116 Total - 340</p>	<p>The Child Care Case Manager recently completed new worker training and was assigned a majority of the Child Care cases. All case workers will be assigned some child care cases as the agency does not want to eliminate the child care piece from other IM workers.</p>
<p>Native American Employment Works (NEW) is a program to assist single individuals without minor children with work related expenses when starting new employment or retaining employment.</p>	<p>Jan. Applications: 6 Feb. Applications: 7 Mar. Applications: 4 Total Applications: 17</p>		<p>NEW support services consist of auto insurance, car repair, work clothing, and tools for employment.</p>
<p>General Assistance is a program designed to financially assist those with shelter costs for those living on the reservation, without minor child. This program assists those who are awaiting their SSD determination.</p>	<p>Jan. Cases: 6 Feb. Cases: 8 Mar. Cases:7 Total Cases: 21</p>	<p>Jan.-3 phone calls Feb.-4 phone calls Mar.-5 phone calls</p>	<p>Cash payment given to those for housing related costs including rent, mortgage and/or utilities.</p>
<p>WHEAP (Wisconsin Home Energy Assistance Program) is administered to low-income individuals or families in need of heat and electric assistance.</p>	<p>Jan. Apps: 45 Feb. Apps: 29 Mar. Apps: 34 Total Apps: 108</p>	<p>Monthly Calls: Jan.245 phone calls Feb.254 phone calls Mar.255 phone calls Received for Energy Assistance/Food Card/ Com Support and WHEAP</p>	<p>There is a decrease in applications and continue to do outreach via USPS mail, email, and Tribal communication.</p>

<p>Oneida Food Card- Applicants can come to the office from 9-11 Monday through Friday.</p>	<p>Jan. New Users: 194 Feb. New users: 155 Mar. New Users: 144 Total New users: 493</p>	<p>programs. Walk-ins Jan. W/in- 230 Feb W/In- 281 Mar. W/in-142</p>	<p>Food card usage remains steady.</p>
<p>Oneida Food Pantry was established to address an emergency food assistance need in the community.</p>	<p>Jan. New Users: 26 Feb .New Users: 51 Mar. New Users: 19 Total New users: 96</p>	<p>The pantry refers their walk-in customers to our agency; however, they will assist clients who are in need.</p>	<p>Our staff and the Food pantry met over the last few months and have successfully transitioned the food card to the pantry site on Tuesdays and Thursdays.</p>
<p>Better reporting format developed for the programs receiving Tribal contribution. Therefore the total numbers appear to have increased due to those reporting changes. Economic Support also submitted an article that was published in February introducing the program and staff. Programs continue to look at ways to improve reputation and customer service. Outreach conducted at the Honor the Youth Pow-wow.</p>	<p>Two (2) staff completed the Trauma Informed Parenting Course. In addition, two staff completed the Rent Smart training in order to work with clients in the future. Delia Smith, Director of Economic Support, attended the bi-monthly TANF/IM tribal meeting in Mole Lake in January. We continue to evaluate at ways to collaborating with other programs and worked with Prevention and ICW for two (2) up-coming events.</p>	<p>Jan Walk ins:212 Feb Walk ins: 205 March walk ins: 167 Jan. Ph. C: 880 Feb. P.C: 808 Mar. P. C : 774 Total Walk ins: 584 Total Calls: 2462</p>	

Economic Support 2nd Quarter Percentages by program



T.A.N.F. - Temporary Assistance for Needy Families

N.E.W.- Native Employment Works

G.A - General Assistance

W.H.E.A.P. - Wisconsin Home Energy Assistance Program



HEAD START/EARLY HEAD START

The Oneida Head Start Program serves low-income children and families living on and off the reservation in the service area of Brown and Outagamie Counties.

Head Start funding and participation for the 2017/2018 program year:

- Federal funding received to serve one hundred and eight (108) children.
- State of Wisconsin funding received to serve an additional 12 children.
- Oneida Tribe provided funds for 32 children for Head Start.
- Total of 152 Head Start children slots available in Head Start.
- Head Start has two (2) program sites with eight (8) classrooms currently serving 144 children.
- Hours of operation are 9:00-1:00, Monday – Friday with 160 contact days.
- There are 2 Duration (extended day) classrooms that operate from 9AM to 3PM and 170 contact days.

Early Head Start Home Based Program participation:

- 60 slots available in Early Head Start.
- Serves fifty-two (52) infants and toddlers and eight (8) pregnant women, for a total of 60 participants.
- Hours of operation will be 8:00 A.M. – 6:30 P.M., Monday – Friday.
- The program will offer 48 weeks of home visiting.
- The service area is the Oneida Reservation and a ten (10) mile radius around the reservation. This service area includes both Brown and Outagamie Counties in Wisconsin.

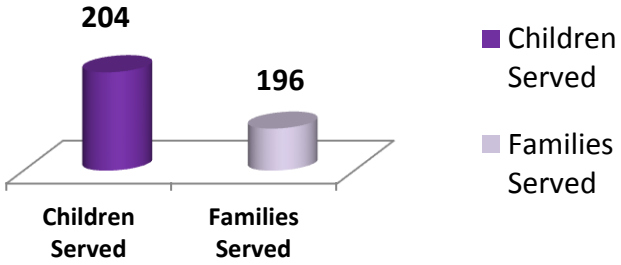
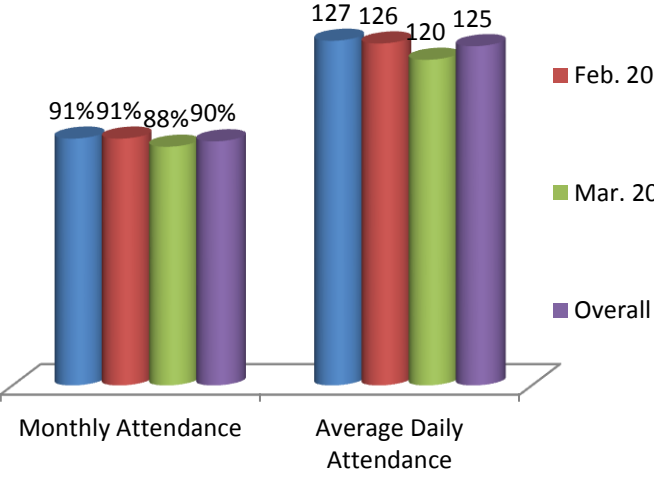
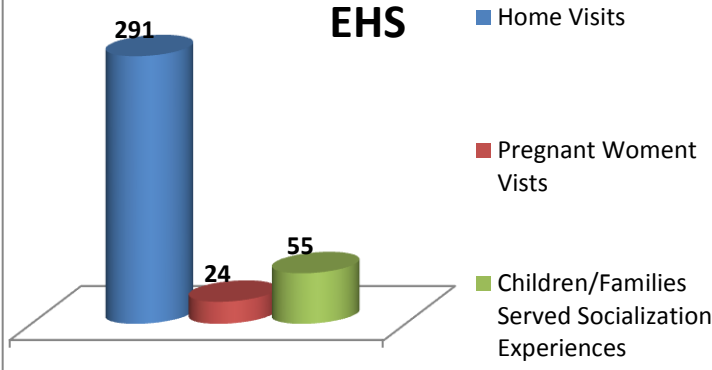
New Changes:

Continuation of HS extended Duration classrooms from last quarter year, 2017, remained with two (2) extended Duration classrooms, one (1) at each site serving 40 of the HS children. The hours of operation are 9:00 am - 3:00 pm, Monday-Friday with 170 contact days. The program continues to assess and determine potential opportunities for improvement.

The Norbert Hill Center renovated space for use by the Head Start program which is working well, there were minor changes that needed to be made such as the parent entryway for pick-up and drop-off, but the site has been a positive change overall.

The Early Head Start building, an addition on to Three Sisters HS building, is on schedule and is to be completed in June, 2018. EHS staff is in the process of assessing and preparing for transfer in June.

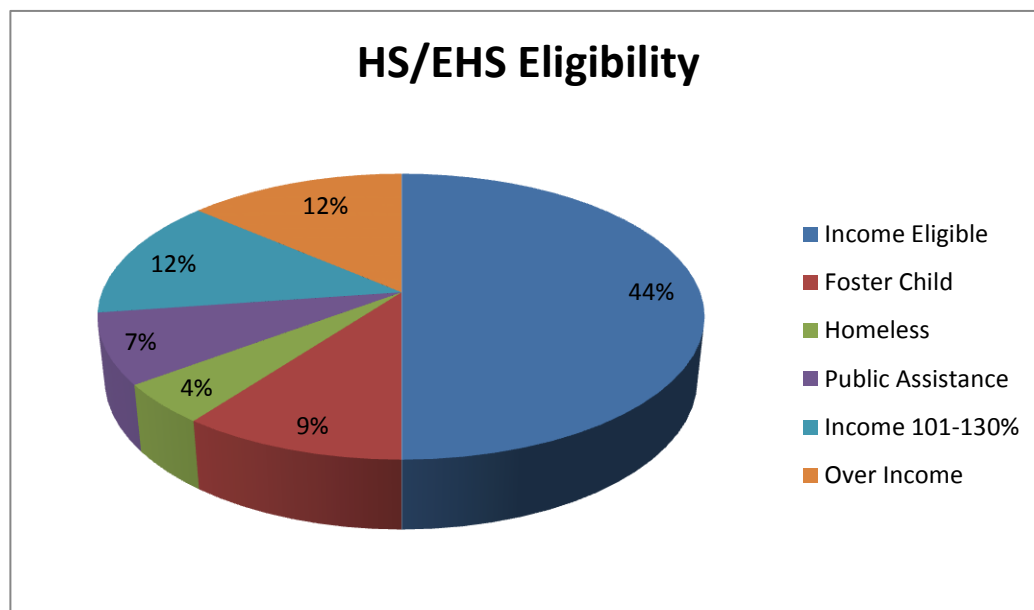
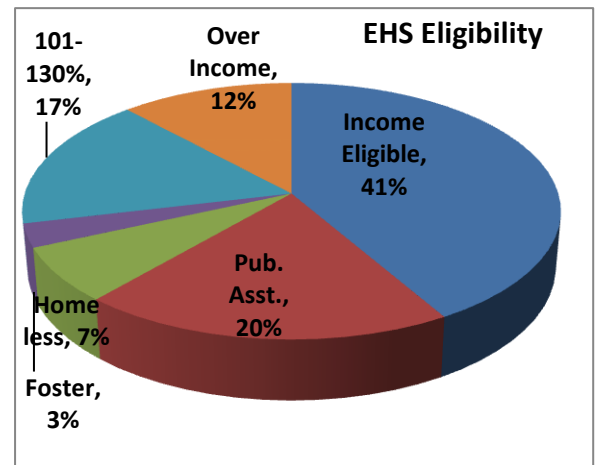
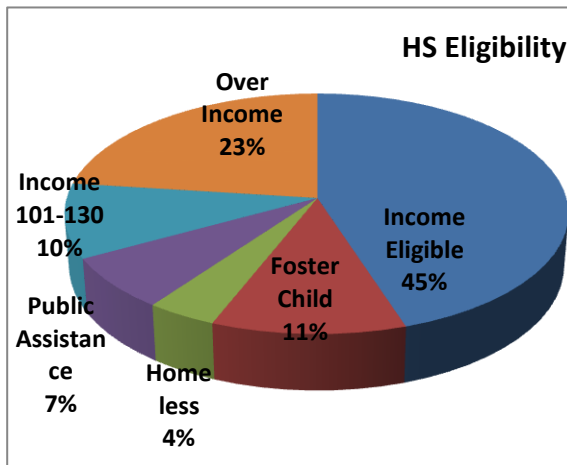
The HS/EHS Policy Council officers for the program year include Tamar Ramirez, Chair; Amber Denny, Vice-Chair; Crystal Wozniak, Secretary and Cassandra Metoxen, Treasurer.

NARRATIVE	DEMOGRAPHICS	FREQUENCY/UTILIZATION															
<p>HS Enrollment: Currently there is no wait list for HS.</p> <p>The Extended Duration classrooms operating 6 hrs. per day at Three Sisters and NHC sites were fully enrolled with 40 children.</p>	<p>HS Children Served: 140 HS Families Served: 140 EHS Children Served: 59 EHS Families Served: 56 Families</p> <p style="text-align: center;">Total HS/EHS Children & Families Served</p>  <table border="1"> <caption>Total HS/EHS Children & Families Served</caption> <thead> <tr> <th>Category</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Children Served</td> <td>204</td> </tr> <tr> <td>Families Served</td> <td>196</td> </tr> </tbody> </table>	Category	Count	Children Served	204	Families Served	196	<p>HS enrolled and served 140 children</p> <p>EHS served 59 children</p>									
Category	Count																
Children Served	204																
Families Served	196																
<p>Head Start Monthly Attendance: Children monthly attendance required to be at least 85%</p> <p>Average Daily Attendance: HS served up to 127 children daily</p> <p>Early Head Start Home Visiting: there were 291 home visits provided to children and their families during the quarter.</p>	<p style="text-align: center;">HS Attendance</p>  <table border="1"> <caption>HS Attendance Data</caption> <thead> <tr> <th>Category</th> <th>Jan. 2018</th> <th>Feb. 2018</th> <th>Mar. 2018</th> <th>Overall</th> </tr> </thead> <tbody> <tr> <td>Monthly Attendance (%)</td> <td>91%</td> <td>91%</td> <td>88%</td> <td>90%</td> </tr> <tr> <td>Average Daily Attendance</td> <td>127</td> <td>126</td> <td>120</td> <td>125</td> </tr> </tbody> </table>	Category	Jan. 2018	Feb. 2018	Mar. 2018	Overall	Monthly Attendance (%)	91%	91%	88%	90%	Average Daily Attendance	127	126	120	125	<p>Head Start: Monthly & Average Daily Attendance (ADA).</p> <p>Early HS: 124 EHS Home Visits on avg./month provided</p> <p>41 Prenatal Visits Provided total for the program year</p> <p>55 Children served through Socialization Experiences (Group) held twice per month</p>
Category	Jan. 2018	Feb. 2018	Mar. 2018	Overall													
Monthly Attendance (%)	91%	91%	88%	90%													
Average Daily Attendance	127	126	120	125													
<p>Socialization Experiences: Attendance for group experiences was 55 children and their families.</p>	<p style="text-align: center;">EHS</p>  <table border="1"> <caption>EHS Data</caption> <thead> <tr> <th>Category</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Home Visits</td> <td>291</td> </tr> <tr> <td>Pregnant Woment Vists</td> <td>24</td> </tr> <tr> <td>Children/Families Served Socialization Experiences</td> <td>55</td> </tr> </tbody> </table>	Category	Count	Home Visits	291	Pregnant Woment Vists	24	Children/Families Served Socialization Experiences	55								
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HS/EHS Eligibility Determination

Eligibility determined by: household income, child is in foster care or homeless, and/or family is receiving public assistance.

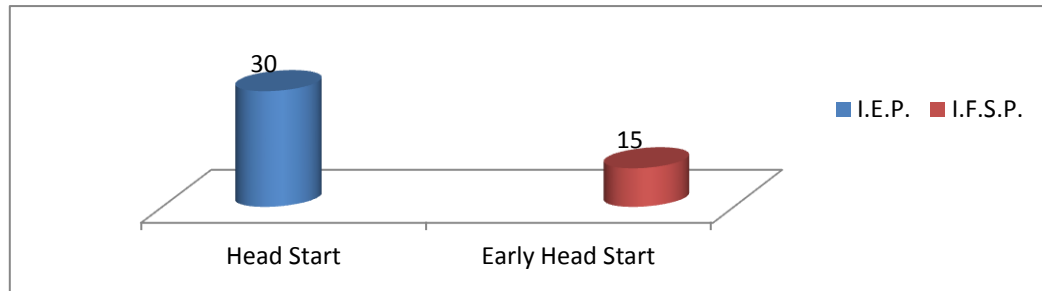
There are additional allowances for Indian Tribes. A tribal program may fill more than 10 percent of its enrollment with participants who are not eligible under the criteria if: The tribal program has served all eligible pregnant women or children who wish to be enrolled from Indian and non-Indian families living within the approved service area of the tribal agency; At least 51% of the program’s participants meet HS Eligibility-HS Standard: §1302 Subpart A -Eligibility, Recruitment, Selection, Enrollment, and Attendance; §1302.12 Determining, verifying, and documenting eligibility.



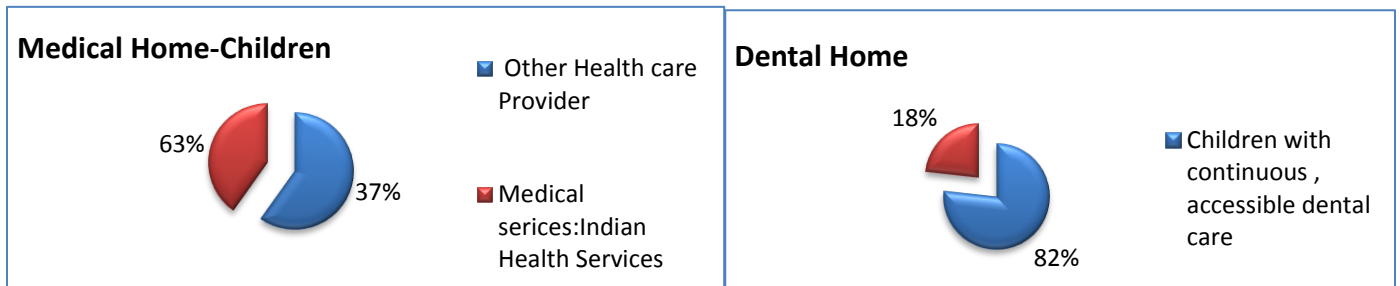
HS/EHS Health and Disabilities

Disabilities:

- 30 Head Start children are on an Individualized Education Plan (IEP) for speech/language.
- 15 Early Head Start children on an I.F.S.P.



Health:

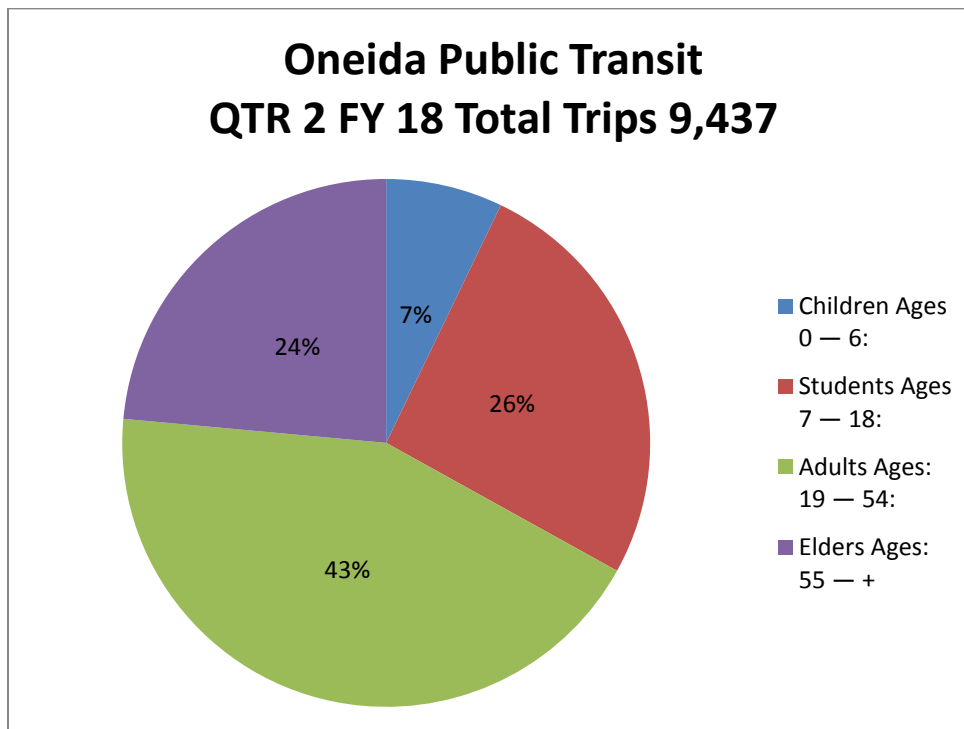
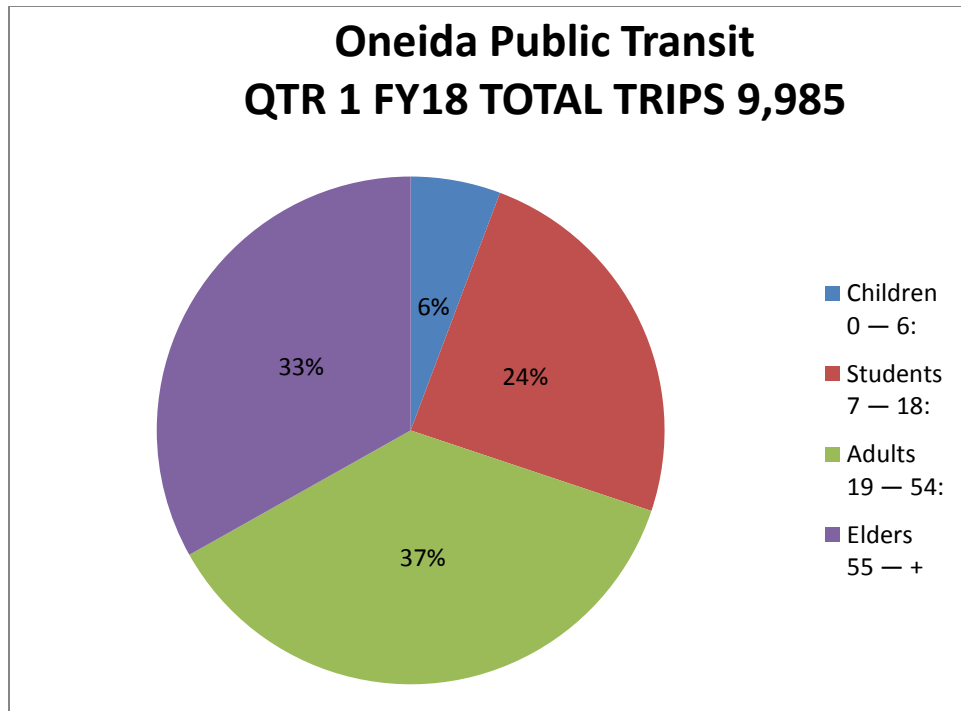


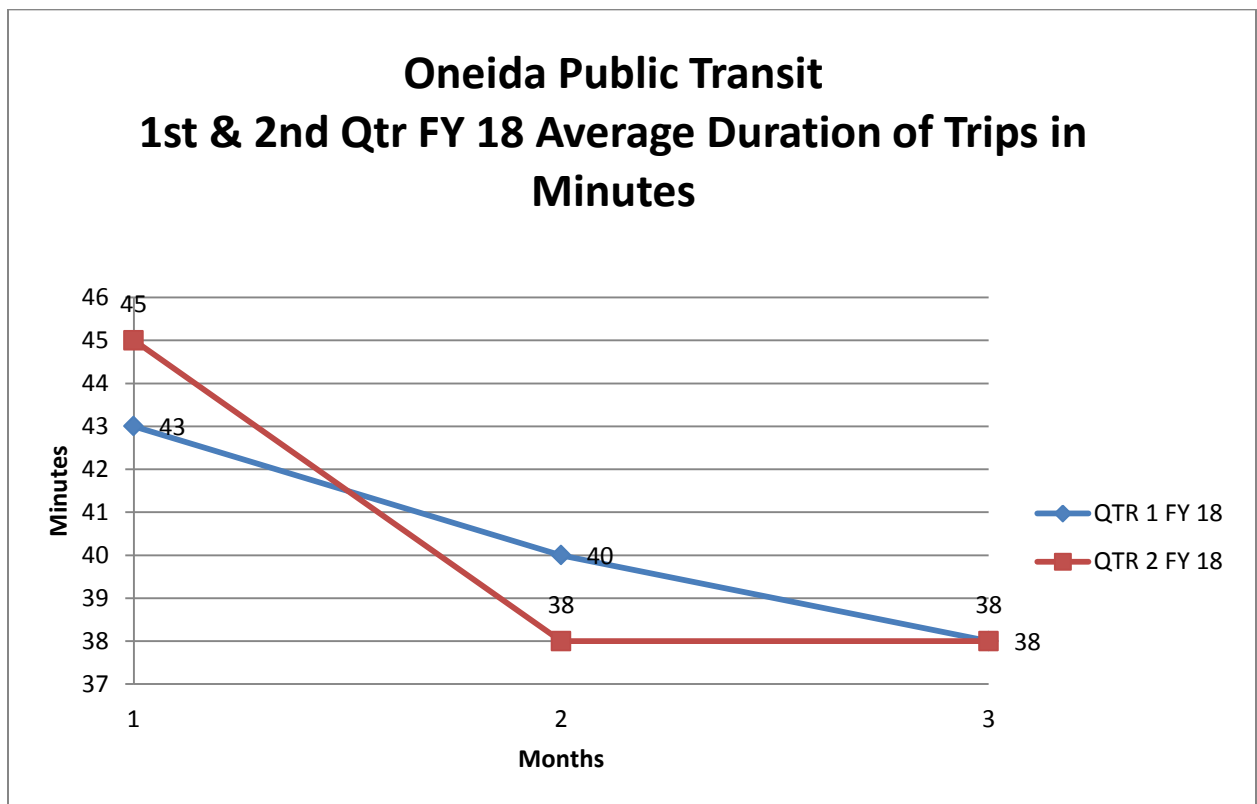
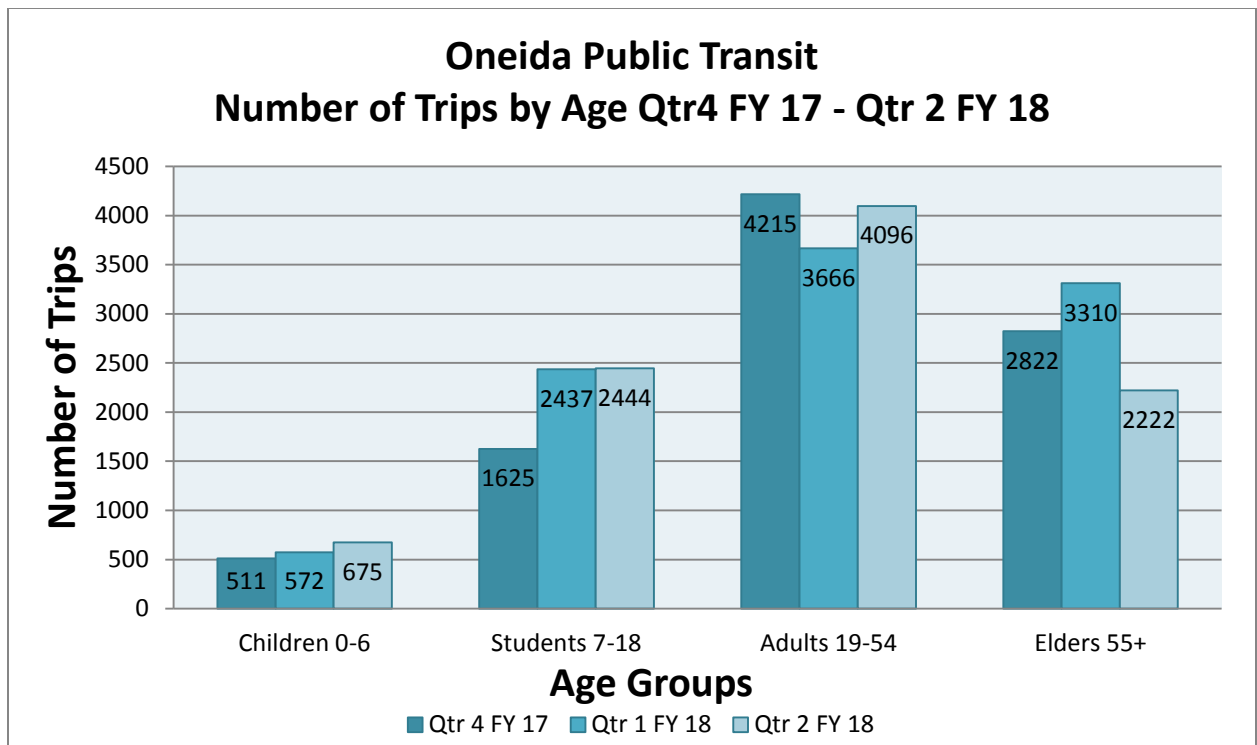
Education & Child Development	National Indian DHSA - Oneida HS/EHS Winter 2017/2018- Combined EHS & HS		
Progress of children and the program towards achieving school readiness in each of the seven domains	Below	Meeting	Exceeding
Social-Emotional	22/11.7%	134/71.28%	32/17.02%
Physical	11/5.85%	138/73.4%	39/20.74%
Language	17/9.04%	135/71.81%	36/19.15%
Cognitive	13/6.91%	133/70.74%	42/22.34%
Literacy	23/12.23%	132/70.21%	33/17.55%
Mathematics	39/20.74%	121/64.36%	28/14.89%

<p>Quarterly Average Enrollment HS children served=140 EHS children served = 59 <i>Those not assessed were due to children entering or exiting during that quarter and were not eligible for reporting, or were under the age of 1</i></p>	<p>The data for the second assessment for the 2017-2018 school years has been completed in each of the Teaching Strategies – Gold domains. The scores reflect significant growth in all areas for the Head Start and Early Head Start children. The goal is for children to meet or exceed the expectation in each area with 85% or above. The teaching staff and home visitors use this data to plan their lessons, individualize for each child and work with parents to set goals to prepare their child for Kindergarten.</p>
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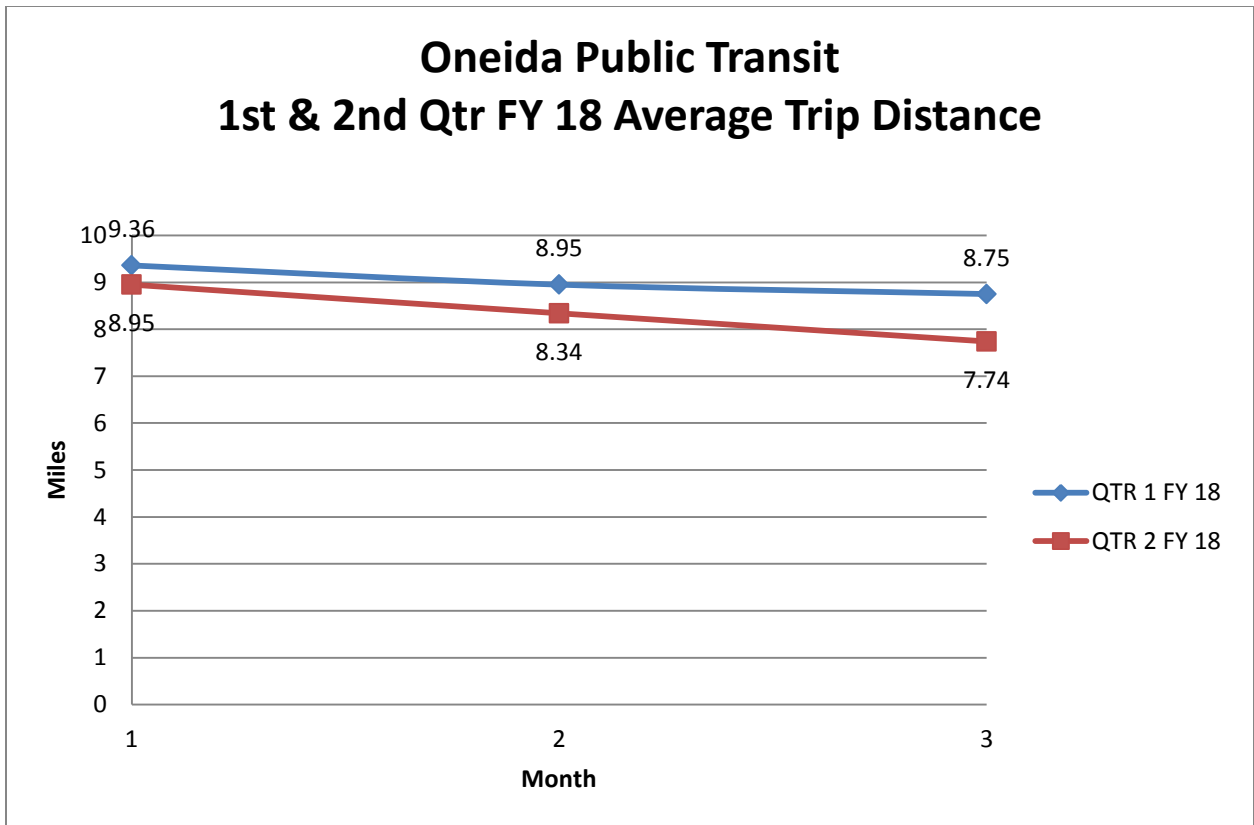
TRANSIT

NARRATIVE	DEMOGRAPHICS	FREQUENCY/ UTILIZATION	BULLET POINTS
<p>Oneida Public Transit provides secure-reliable transportation at a reasonable cost to our passengers of the Oneida community and surrounding communities and is paid for with grants from Wisconsin Department of Transportation (WisDOT), Federal Transportation Administration (FTA), and minimal Tribal Contribution.</p>	<p>YTD Total Number of Clients: 1974</p>	<p>YTD Total Number of completed Trips: 9437</p>	<p>Total Number of clients increased 14.6% from Quarter 1. This is a 252 client increase.</p> <ul style="list-style-type: none"> • Overall, number of Youth 7—18 remained steady due to school and after school activities (Recreation Program, sports, etc.) • Elder and Wheelchair trips show a significant decrease compared to Qtr 1 since no longer needing to service approximately 8 dialysis passengers. • To Date: On-Time Performance is currently at 81%. Factors to be considered: Decrease in staff, reorganization, weather, and training. Target Goal: 95%
	AGE GROUPS		
	Children 0 — 6	675	18% increase
	Students 7 — 18	2,444	.29% increase
	Adults 19 — 54	4,096	13% decrease
	Elders 55+	2,222	39.4% decrease
	Completed Wheelchair Trips	426	7.3 % decrease 8
	Total Miles	73,148	6.6 % decrease compared





Oneida Public Transit 1st & 2nd Qtr FY 18 Average Trip Distance



Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Reports

Accept as Information only

Action - please describe:

Internal Services Division 2nd quarter report (Jan-Mar 2018). No action is required.

3. Supporting Materials

Report Resolution Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Joanie Buckley, Division Director/Internal Services *Joanie Buckley*

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

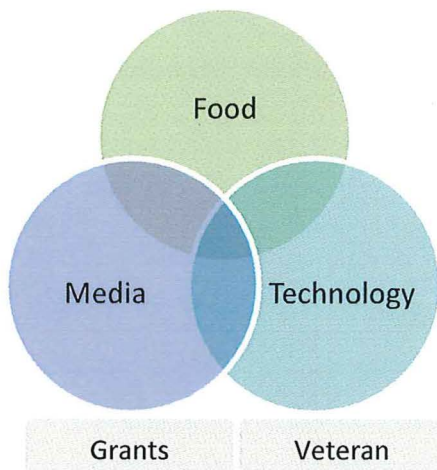
Describe the purpose, background/history, and action requested:

The attached is the 2nd quarter report (Jan-Mar 2018) for the Internal Services Division for which, no action is requested. The report is informational only.

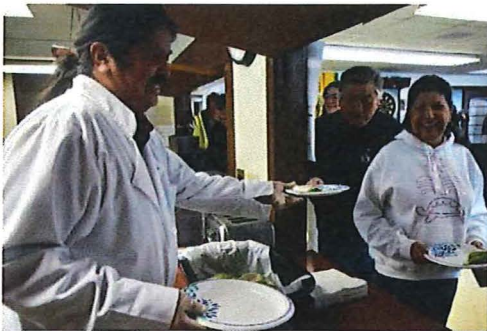
- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

INTERNAL SERVICES DIVISION

Second Quarter Report FY18 (Jan - Mar 2018)



The 2nd Quarter has been a productive for many areas in our Division. As a team we continue to seek out opportunities in within our systems thinking, operation and program goals, and ways to engage the people we serve. Technology continues to be a driver throughout the Nation and the MIS staff has made improvements to our infrastructure giving more capabilities to computers and each user. Tsyunhehkwa staff were busy with corn processing, and the Emergency Food Pantry worked through the setup of intake at their building. Big Bear set up an avenue to pursue federal contracts to help increase sales. Each area is finding ways to overcome challenges and barriers.



Print and mail completed GTC meeting packets on-time, Oneida Tourism was a selected location for of the Neville museum which will bring in more visitors to the reservation. They are working on a grant with NATOW to launch a driving tour to view destinations in a fun way for locals and visitors. The Kalihwisaks was out in the field, covering the various events; and sent a photographer to web training.

Grants have a total of \$1.4 million funded grants so far this year and \$4.5 million pending grants. They continue to seek new funding, even as federal budgets are reduced, and grants become more competitive.

The transition of Tsyunhehkwa agriculture and OCIFS has brought a refined focus to the Cannery and “food” as a system evolving from “agriculture” for our division. This shift gives Tsyunhehkwa and OCIFS new benefits and resources and allows ISD to focus on food in product processing, delivery, food development, and other value added services. The Veterans hosted a fish taco event that brought in Channel 2 WBAY and 5 CBS to showcase the growing project. The Emergency Food Pantry has increased their food network and their largest single food pickup up to date. OCIFS continued their food films and planning with 4-H and Microsoft.

In addition, the Departments are working on their strategic goals to align with the new Business Committee’s goals and work to create measureable outcomes, with value-based considerations.

The departments will begin to transition to three initial common goals:

- Advancing On^yote?aka Principles through **Community Engagement**
- Improving Organizational Changes toward **Operational Sustainability**
- Inspiring Yukwatsistayλ (Our Fire our Spirit Within) through value-based **Development**

Management Information Systems

ISD - Second Quarter Report FY18



Strategy #1 Deliver Business Technology Solutions

MIS in coordination with OCHD Rx and our vendor, QS/1, implemented mobileRx smartphone app. The app provides a number of useful features including script renewals, scheduling patient med's and a variety of patient managed tools. The app is another example of the technological advancements introduced to the OCHD with the goal of delivering world class health care to the Oneida community. The project was completed on-time and within budget.



The MIS team continues to work with the Oneida Museum to provide a POS capability that meets their unique needs. The systems have been acquired and installed however challenges continue with device interfaces which have delayed the go-live date. The original system was targeted for a go-live in 1st quarter FY'18 however that has been pushed to 3rd quarter FY'18.

Strategy #2 Promote Information Sharing & Collaboration

Preparation for an upgrade to the OnBase system continues. There will be a number of product enhancements and new system features associated with the upgrade but one capability in particular will allow the OBC Agenda Management project to move forward. The upgrade is scheduled for 3rd quarter FY'18 with the Agenda Management Project tentatively scheduled to resume in May. The previous quarterly report incorrectly noted an "OnBase system upgrade" however the work was actually preparatory work, e.g., review of product release notes, compatibility with current interfaces, etc.

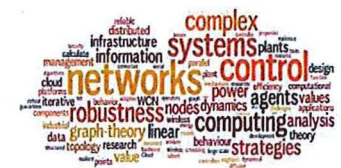
As reported in the previous MIS quarterly report, the MIS team has begun organizing and preparing for the introduction of Talent Management software. We've recently established a tentative system design that will allow the Nation to continue enjoying current solutions while leveraging previous investments to support the new Human Capital Management suite of products.



Strategy #3 Optimize Use of Resources

The previous quarterly report noted that MIS was preparing to upgrade and/or replace three of the Nation's IT core infrastructures; SAN, mid-range platform and systems backup solution. I am pleased to announce the project has been completed without incident, on-time and under budget. Though it's early, we can report the following positive performance changes:

- Payroll run reduced from 1 hour to 20 minutes
- Annual A/R purge was reduced by about 1 hour
- Accounting rebuilds reduced from 30 minutes to 5 minutes
- Kronos weekly close reports are running about 75% less
- Full system save went from approx. 3 hours to 1.5 hours
- Daily backups reduced by about 1 hour



More information regarding the results of this project will be provided in upcoming reports.

MIS Goals for FY'18

Deliver Business Technology Solutions

Develop mobile app's to support the goals and objectives associated with Oneida Language Preservation and On^yote?a principles.

Promote Information Sharing & Collaboration

Leverage the recent deployment of Passport (POS) solution within the Retail environment. This activity is in alignment with the Nation's 4 Strategic Directions, specifically a commitment to building a responsible Nation.

Optimize Use of Resources

Phase I of the Surveillance project will be completed. The outcome will support the standardization of the Nation's surveillance environment while enhancing the Nation's overall security posture.



GRANTS OFFICE

ISD - Second Quarter Report FY18

Strategy 1: Enhance tribal services with external funding

Goal: \$7 million in funded grants

In FY 2017 we ended up with a total of \$9.65 million in external funding. Due to federal budget cuts, grant programs are very strict and harder to obtain as funding agencies want to see their funding distributed to more needy organizations. Ultimately, there is *always a positive impact* with grants as the funding provides additional services, programming, and jobs for our membership and community.

- Currently we have a total of \$1.4 million in funded grants in FY 2018, with \$4.5 million in pending.

Strategy 2: Become a resource for a 1-stop shop for funding/grant data and services.

Goal: Grants resource center

- Provide full assistance for various programs and enhanced their ability to obtain external funding.
- Maintaining tribe-to-tribe, grantor-to-grantee, and other internal and external relationships to increase our opportunities.
- Maintaining a database that includes all funded, denied, and pending grants; and grant opportunities sent out and responses.

Strategy 3: Enhance tribal and community efforts in fundraising thru the development of a 7871 fund unit.



Goal: Oneida Youth Leadership Institute – provide a tax exempt fundraising tool.

- **Mission:** Our mission is to build endowments, to steward funds and to provide financial opportunities that invest in youth leadership initiatives.
- The Grants Manager also acts as Executive Manager of the OYLI, as the entity is within the overall authority of the Oneida Nation.
- The OYLI Board has had planning meetings to help move forward with processes.
- Our website is very close to being launched. Once our online payment system is fully functional, we can go live.
- Working SOPs and processes/policies have been developed and approved thru the OBC process. All disbursements and activity is now open and active. Listed below is information regarding our account at Bay Bank.

-WPS donation to LPGA Youth Golf Clinic	restricted	\$10,000
-Private donation	unrestricted	\$100
-Packer ticket sales	unrestricted	\$1,010
-Deposit for Team WI	restricted	\$400
-Deposit for Team WI	restricted	\$2,800
-Team WI deposit from luncheon	restricted	\$5,112
-LPGA Volunteer Fundraiser	restricted	\$8,145
-Erwin Cottrell Golf Outing	restricted	\$2,000

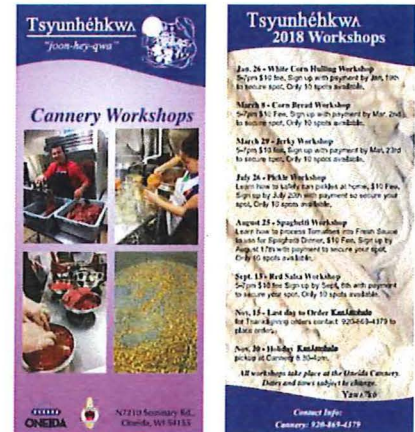
TOTAL \$29,567

Oneida Cannery / Tsyunhehkwa

ISD - Second Quarter Report FY18

Summary

Winter is a busy time for the Tsyunhehkwa and much transition has taken place. Tsyunhehkwa as a program has been repositioned with agricultural activities moving to the Environmental Health & Safety Division and the Oneida Cannery staying within Internal Services Division. This change supports the Tsyunhehkwa program with more resources, as much of farming is rooted in the care of the land and environment. The two programs will continue to work together and support each other in community events such as the Community Garden Project that is already underway. During the quarter staff worked with the dried corn at Tsyunhehkwa started to send 150 lbs. of white corn to the Cannery weekly. The Cannery had 2 modified duty workers help to clean, shell, and winnow corn at the farm and the Cannery processed corn as it arrived. Together we made it through a bulk of the corn workload, finished the bergamot, and some tobacco. Vickie began working on the CDC grant, and the team is excited about the Community Garden Project that Jamie has envisioned and has started to implement. Kyle accepted a volunteer appreciation letter from the Oneida Business Committee; and we are glad to welcome Arlie Doxtator to Tsyunhehkwa.



Production

Cannery Products

Hulled and dehydrated corn continue to drive white corn production. Hulled White Corn 1,566 lbs., Dehydrated Corn 1,096 lbs., Corn Bread Flour 622.8 lbs., Corn Bread Flour Hulled 6 lbs., Fresh Hull Corn 107 lbs., Corn Bread 117 lbs., Jam 56 ½ pt. There were 3 special orders for Corn Soup 15 qt., Corn Bread 6, and Fresh Hull Corn 4 qt.

Community Food Processing

Eleven Community members used the cannery facility and equipment to process:

Venison into Hamburger 50 lbs., Corn into Dehy 234 lbs., Pickles 11 qt., Corn Mush Flour 45 lbs., Corn Baking Flour 17 lbs., Blue Corn into Dehy 15 lbs., Fresh Hull Corn 5 lbs., Maple Syrup 23 1.5 pt., 35 qt., 67 pts.

Department Orders

The Cannery completed 22 individual department orders for a total of \$11,890.15. Corn Soup, and Bison Chili were the most frequent orders. Orders: Corn Soup 267, Corn Bread 3, Corn Mush 2, Bison Chili 91, Fresh Hull Corn 65, Apple Butter 3, Dehy Corn 77.

Workshops

Corn Hulling and Corn Much, Corn Bread, and Jerky Workshops were the three scheduled workshops for the quarter. Sixteen participants attended two workshops and enjoyed learning how to cook and prepare food - unfortunately the Jerky workshop was canceled due to low sign ups.

Equipment

- Annual boiler inspection completed in January
- Dish washing sink repair completed in February
- Ice Machine repair completed in March



ONEIDA EMERGENCY FOOD PANTRY

ISD - Second Quarter Report FY18

Emergency Food Pantry



In 2nd Quarter the Oneida Emergency Food Panty had 16 volunteers log 150 hours. This is a tremendous increase in volunteerism that supports our community engagement program goal. We served 1,588 clients (Including repeats) and distributed 17,849 pounds of food during the 26 days available for food pick up during the quarter. We picked up 49 different days and processed 125 bulk donations from various sources. We completed our transition with Economic Support and they are now on site Tuesdays and Thursdays 9-1 handling the Food Card Program and Pantry Intake. All goals were met for first quarter besides creating informational material which is in process with rack cards and pantry webpage being developed. Highlights of those goals include partnership with Hunger Relief Federation of Wisconsin; two grants applied for, Economic Support on site, ONES and ONHS food drives. Food purchase rose due to \$2,000 grant in 1st quarter.

Q2 Donations Collected

22,719.5 Lbs. + 12.4%

Q2 Food Purchased

\$5,835.75 +65.9%

4,562.05Lbs. +43.4%

Q2 Food Waste

761.8 Lbs. +6.3%

Q2 Food Re-Donated

5,143.4 Lbs. +4.2%

Strategic Goals

Development

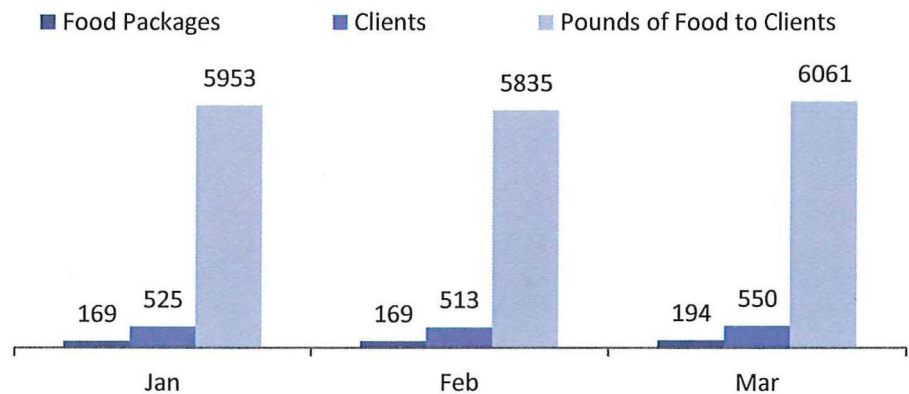
- Implement Grant Funded Project
- Pilot Nutrition Programming (UW-Extension Partner)

Improve Operational Change

- Develop SOP's
- Create Rack Cards and Pantry Webpage

Increase Community Engagement

- Expand Volunteer Network
- Revising and networking for FY19 School Drives



In the 2nd Quarter the Pantry saw an increase in families, packages, and food being dispersed. Out of the 532 packages dispersed 283 of those were to repeat clients. Out of the 249 families served, 47 were new clients. We helped to feed 716 individuals in our community during Q2.



VETERAN DEPARTMENT

ISD - Second Quarter Report FY18

Mission: *Provide Quality Services and Assistance in the Delivery of Entitlements and Benefits due our Oneida Nation Veterans and their Families.*

One of Oneida Veteran Department's major initiatives is to improve customer service. Our clientele numbers maintain approx. 308 visits per month, last quarter was 258.

Another major initiative that we, the Oneida Veteran Dept. are working on is an end for homelessness for Veterans in Oneida. Currently, we are working with the Department of Veteran Affairs HUD/VASH case manager and OHA. Twenty veterans met the VA criteria and 15 have been awarded Rent Vouchers. Five veterans have exited the program, last quarter we had 12 housed and 11 exits. Oneida was awarded 20 vouchers in 01/2016.

Oneida Nation Veteran Department supports the Nation's Initiative Alignments, specifically Community Development. Our department and community veterans had an Honoring for Native OHC Medical Intern Alex Kivimaki.

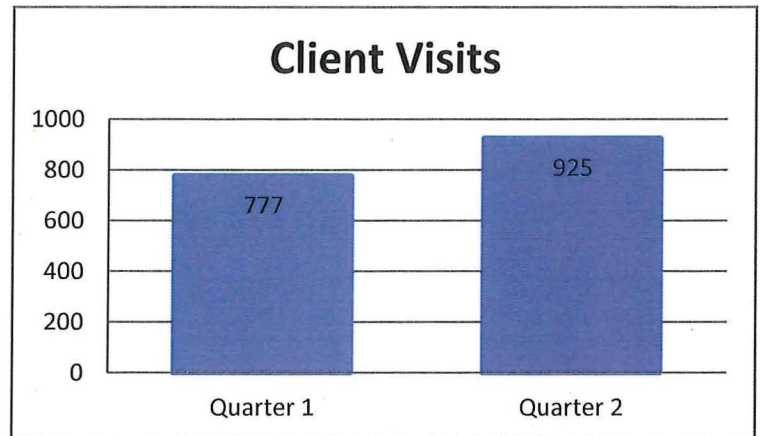
The Oneida Nation Veterans Department main service is VA Disability Compensation/Pension claims. Awards this quarter were real slow coming, totally in Retro payments the sum of \$17,858, Monthly VA disability/pension checks, totaled \$1,832. For F/Y 17 total retro payments equaled \$499,829 and disability payments equaled \$32,547.

Oneida Aquaponics

The Aquaponics project continues to draw in community and outside visitors to see the operation up close and experience the newest element to our integrated food system. In February we had had our first fish harvest event with fish tacos for the veterans and shared the project with local news stations.

Melissa Johnson from DPW and Kristy Krenke an NWTC student have helped to guide the project and educate our volunteer base. They will be missed dearly missed and have left a lasting impression on our team. Jerry Skenandore has begun to learn the daily tasks of operations this project continues to be an example of strong community involvement.

We visited the Green Bay aquaponics project called The Farmory, and hosted a meeting with NWTC culinary and education staff, we are working on outreach and networking efforts for the Oneida Aquaponics.



2nd Quarter Highlights

Calls Received	1087
New Clients	2
Other Tribes	26
VA Disability Claims	15
Community Utilization of Veterans Building	42 Days





Graphics * Print * Media * Mail

ISD First Quarter Report FY18

Strategy 1: Improve Infrastructure

- Continuing to cross train employees on all the machinery currently in operation at the Print Shop and Mail Center. Continuing to meet daily to keep communication lines open. Implement quality control checks.
- Cost savings of \$20K to split the GTC mailing list internally and utilizing Permit 4 mailing vs priority mail. Continue to reach out to many departments for assistance for the GTC mailers.



Strategy 2: Sales

- Teaming up with outside vendor to form a corporate team which should enable us to offer better pricing.
- Started the set-up of Federal contracts. This will allow us to bid on federal contracts. The next phase is to develop a process for the bidding.
- Turned in our RFP to Oneida Casino.

Total Monthly Invoices Generated

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Total
FY 18	105	109	106	111	115	104	0	0	0	0	0	0	320
FY 17	87	107	99	116	108	120	100	108	146	95	162	107	1,355
FY 16	107	101	102	123	118	130	116	119	118	71	134	112	1,351
FY 15	101	85	93	95	94	108	112	106	105	118	144	111	1,272
FY 14	108	85	88	110	109	133	118	122	122	101	125	120	1,341

KALIHWISAKS

ISD - Second Quarter Report FY18



Achievements

- Printed six issues – January 4, January 18, February 1, February 15, March 1 and March 15. (Advancing Oneyote?a.ka Principles)
- Covered events such as GTC Annual Meeting, Honor the Youth Powwow, and an interview with a recovering addict. (Advancing Oneyote?a.ka Principles).
- Printed Oneida Business Committee meeting minutes, board postings, public hearing notices, and legal notices. (Implementing Good Governance Process)
- Worked with other departments such as SEOTS, OCIFS, Adventures, Culture, ONAP, OCEC, and OFF to create monthly pages to share their news and events. (Advancing Oneyote?a.ka Principles)

Goals for FY2018

- New photo contest
- Expand our media platforms to include phone apps, online payments, more online content
- Create a portfolio to attract advertisers
- Complete SOP's and other suggestions made by 2017 department audit



Photos: Café 29 and Lady Thunderhawks Basketball

Tourism Quarterly Report

ISD - Second Quarter Report FY18

Strategy 1: Community Engagement

- NWTC diversity day, Oneida dancers and info booth
- NATOW Grant for driving tour app
- Assisted in Aquaponics Harvesting
- Annual Fishing Season ceremony
- New signage ordered for log homes
- Working with GBCVB on enhancing the Oneida tour experience
- Woodland Indian Arts at Arti Gras
- Oneida Royalty at Fishing Ceremony and HTY Pow-Wow
- Attend Governors Conference on Tourism
- Deposition with Oneida Law Office, Re: Hobart/Big Apple



Strategy 2: Improving Organizational Changes

- Bus Tours
 - Update all bus SOPs, literature, website listing and create new bus data base for better follow up with tour operators
 - Development of Bus Trade Show follow up materials
 - Reservation Tours
 - 2018 Q2 322 people/12 Tours
 - 2017 834 people
 - 2016 2883 people
- Tourism Reporting Systems – there are currently 7 Tourism established reporting systems that have been updated and stored on the Tourism shared drive for easy access for all employees.

Strategy 3: Advancing On^yote?aka Principles

- Long House – Contracting with OTIE on contract for bark installation on Longhouse. Solar lights and skylights have been purchased. Final phase will begin in the spring 2018.
- Begin to develop a business plan for a visitor center
- Facebook 63 posts, Reached 192,427 YTD, Likes/Reaction 25665 (last quarter 20,586) Following 4,421

AMISH/ONEIDA TOUR

1. Amish Farm
2. Amish Home
3. Amish Kitchen
4. Amish Store
5. Amish Horse

RESERVATION TOUR

1. Amish Farm
2. Amish Home
3. Amish Kitchen
4. Amish Store
5. Amish Horse

BOAT TOUR

1. Amish Farm
2. Amish Home
3. Amish Kitchen
4. Amish Store
5. Amish Horse

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Grace Koehler, Executive Assistant
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Community & Economic Development Division

**Troy D. Parr, AIA
Division Director**

**Fiscal Year 2018 - Second Quarter Report
January, February & March 2018**

Revised: 4/17/18

Community & Economic Development Division (C&EDD)

Here are some highlights of FY '18, Second Quarter - Economic Development Area workefforts:

Microsoft TechSpark and Tiletown Tech - Opportunity in our own Backyard

The Internal Service Director and I had the opportunity to meet with the new Microsoft TechSpark Manager, Michelle Schuler in March 2018. Green Bay was only one of six locations chosen across the country for this innovative new Microsoft Initiative. Because the location is right here in our backyard (*within a mile of the eastern Oneida Reservation Boundary*) this program offers a tremendous opportunity for the Oneida Nation and it's members to engage in, and benefit from, this program.

The program is a civic program aimed to foster greater economic opportunity and job creation through partnership with rural and smaller metropolitan communities. The program will accelerate economic growth through regional internet connectivity, digital skills development, career skills development, non-profit support and digital business transformation.

Our Division will continue to identify ways the Oneida Nation and it's members can engage in this exciting opportunity as it begins to roll out this Fall.

Yaw^ko,

Troy D. Parr, AIA

Oneida Architect/Division Director

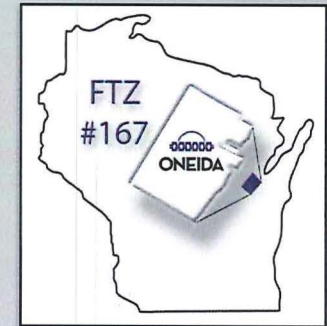


TILETOWN



Left to right- Packers: President Mark Murphy, C.O.O. Ed Policy; and Microsoft: President Brad Smith

Foreign Trade Zone Opportunity



Foreign Trade Zone Feasibility Study

In coordination with the Internal Service Division, a grant from the U.S. Department of Interior Bureau of Indian Affairs – Indian Energy and Economic Development was awarded to the Oneida Nation in FY2018. This grant is entitled a Native American Business Development Institute (NABDI) Grant. This grant will explore the new business development opportunities for the Oneida Nation within Foreign Trade Zone #167 which is located on the Oneida Reservation.

The Request for Proposal (RFP) soliciting qualified firms has been released and the contract is anticipated to be awarded in the Third Quarter of FY2018, at which time the study will get underway. The goal of the study will be to recommend the highest and best-use of the lands the Oneida Nation owns which are designated by the U.S. Customs & Boarder Protection as Foreign Trade Zone (FTZ).

When the study is complete, the Oneida Nation will be better positioned to identify opportunities to either: 1. Be owners and operators of business(-es) in the recommended FTZ industry sector; and/or 2. To lease the land to a potential lessor who operates in the recommended industry sector that can utilize the FTZ land status of the lands.

Community & Economic Development Division

This information reported is for the 2nd Quarter of the Fiscal Year 2018 January,
February & March.



Department	Budget	Actual	Variance	%
Administration-Dev.	\$225,943	\$179,081	\$46,862	20.74%
Planning	\$409,161	\$349,222	\$59,939	14.65%
Engineering	\$170,011	\$90,426	\$79,585	46.81%
Zoning	\$115,623	\$219,585	-\$103,962	-89.91%
Total FY18	\$920,738	\$838,314	\$82,424	9.83%

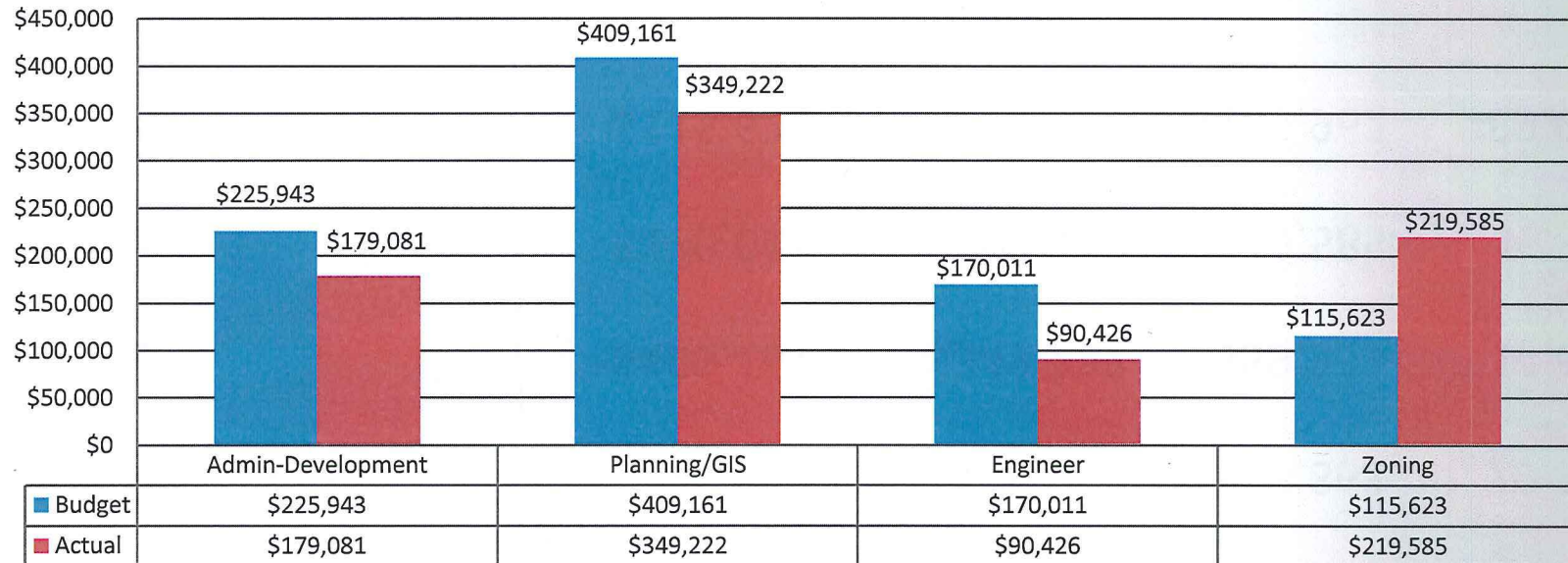
Community & Economic Development Division



FY 18 (2nd Quarter)

For January, February & March

Development Division - FY 18 Quarter 2 Budget to Actual



Community & Economic Development Division

FY 18 (2nd Quarter)

For January, February & March



Variance explanation

- Administration Development better than budget due to administrative assistant vacancy and community and economic development director budgeted to Zoning.
- Planning/GS \$59,939 ahead of budget due to administrative assistant open position. The position was not posted because of paying half the expenses to Zoning for the electrical inspector wages. Community and Economic Development is paying 50% wages for the electrical inspector out of the zoning budget. Not posting the administration assistant position will offset the additional labor expense in Zoning
- Zoning budget trailing actual by \$103,962. Zoning budget variance due to Community and Economic Development Director expensed to Zoning and not CEDD because of department reorganization. One planner was transferred from planning to Zoning Administrator. 50% of electrical inspector wages transferred to Zoning. All the additional expenses are offset by the savings in CEDD administration and planning. The change in staff will be corrected to the proper business unit in the 2019 budget.
- Zoning revenue is \$3,200 behind revenue projections but will be made up during the construction season.
- Engineering budget better than budget due to \$32,000 in revenue not recorded in 2017 budget but recorded in March 2018. Majority of the additional revenue is from billable hours from Four Paths.
- Overall the division is \$82,424 or 9.84% better than budget.
- Majority of the overall savings is labor from vacant positions and additional revenue at Four Paths.

**ONEIDA**

Community & Economic Development Division - (Departmental Updates)

Engineering:

We are managing the various CIP, Non-CIP, CDH, and other miscellaneous projects. We provide assistance to the Zoning Department with plan reviews for code compliance. In addition, we help various Tribal Departments with design and construction coordination for minor interior remodel projects. Major projects are identified in listing on next slide.



Early HeadStart



Uskah Village Apartments

Paul Witek - *Engineering Director/Senior Architect;*
James Petitjean – *Community Development Area Manager*

Community & Economic Development Division - (Departmental Updates)**Engineering (continued):**

**Contact Paul Witek
Office: 920-869-4543**

Project No.	Project Title	Budget Compliance	Schedule Compliance
23-005	Residential Home Sites	Within budget	On-schedule
05-005	Health Center Miscellaneous Projects	N/A	On-schedule
05-013	Elder Services/Apartment Improvements	Within budget	2 weeks behind schedule
07-002	SSB Remodeling – Phase V	Within budget	On-schedule
07-013	Maple Sugar Camp	Within budget	On-schedule
13-011	Oneida Nation High School	Not established	Not established
14-002	Cemetery Improvements	Within budget	On-schedule
14-012	Oneida Nation Farms Barn & Manure Pit	Additional Budget needed for next phase	Currently drafting schedule
14-013	Early Head Start Facility	Within budget	On-schedule
15-001	Community Food Enterprise Center	Not established	Not established
15-002	Water Main Loop – Community Wells	Additional Budget needed	Revising schedule
15-003	NHC Remodeling – Phase VIII	Within budget	Currently drafting schedule for next Stage
15-004	Business Park Storm Water	Within budget	On-schedule
15-005	Oneida Fishery Restoration – Phase II	Within budget	Not established
15-006	Solar Electric Deployment	Within budget	On-schedule
15-008	Tribal Transportation Program – Various Projects	Within budget	On-schedule



ONEIDA

Community & Economic Development Division - (Departmental Updates)

Engineering (continued):

**Contact Paul Witek
Office: 920-869-4543**

Project No.	Project Title	Budget Compliance	Schedule Compliance
16-006	Main Casino Exterior Enhancements	Within budget	On-schedule
16-007	Mason Street Casino Exterior Enhancements	Within budget	On-schedule
16-008	O.F.F. Facility Improvements	Within budget	On-schedule
16-011	Oneida Recreation Complex	Not established	Not established
16-013	OCHC Satellite Pharmacy – AJRCCC	Within budget	On-schedule
16-014	Tsyunhehkw Storage/Shelter	Not established	Not established
16-018	Elder Village Cottages – Phase II	Within budget	2 weeks behind schedule
17-005	Residential Development – FG	Within budget	On-schedule
17-007	Uskah Village Apartments – Phase II	Within budget	On-schedule
17-008	Oneida Four Paths	Within budget	On-schedule
17-013	ONSS – Accessibility Renovations	Within budget	On-schedule
17-014	State Farm Grazing Project	Not established	Not established
18-003	Oneida Community Trails – Silver Creek	Within budget	On-schedule
18-004	Elders Memorial	Not established	Not established
18-005	Tsi?niyukwalihot^ Wellness Campus	Not established	Not established
18-006	OCHC Dental Renovation	Within budget	Currently drafting schedule

Community & Economic Development Division - (Departmental Updates)



Planning & Statistics Department - Projects

Contact Susan Doxtator
Office: 920-869-4594

- **Upper Oneida Transportation** - Co-op conversations have begun with Outagamie County. Implementing the transportation plan sets the context to support the future development of the former BP site. There is support to use TTP road funds to plan, design and construct:

Roadway improvements streetscape sidewalks

- **Model Housing Initiative – Planning** has been working on an expandable small home initiative. Details and a preliminary project brief have been developed for further discussion with Housing and CDPC. Status: Initiative
- **Community Trails** – Assisting in the development of a comprehensive trail system. Status: Current Project focus is on Silver Creek Trail.

Susan Doxtator – *Planning/GIS Director;*
James Petitjean – *Community Development Area Manager*

Community & Economic Development Division - (Departmental Updates)



Planning & Statistics Department - Projects (continued):

- **Community Recreation Initiative** – Meetings continue with Construction Manager to review project and process. Status: Ongoing
- **Community Food Enterprise and Training Center (Food Center)** - Work with the Internal Services Director on a RFP for a Feasibility Study for a Community Food Enterprise Center in Central Oneida continues. Interviews are complete and an Award for the Feasibility study will be announced very soon. Status: Ongoing
- **Cultural Heritage** - Working with project team to develop site plan and to move forward on small scale projects. **Status:** Site Planning

Community & Economic Development Division - (Departmental Updates)



Planning & Statistics Department - Projects (continued):

- **Community Outreach** - “Coffee with Planners” will end in May for the summer. We will resume again in October after the Farmer’s Market has ended. We are allowing this time to reach out to community members in different locations for specific initiatives.



The Planning Department continues to work with additional project Development and initiatives such as: Hemp Study, Maple Syrup Initiative, Mc Lester Memorial, Roundabouts and HWY 54 & 172 Landscape, Community Art, Oneida Parks and Reservation Beautification, Creative Place making, Food Distribution Store Concept, and Wellness Campus.

Work continues on a revision of the Comprehensive Plan, Vision Oneida and development of an Area Development Plan and Land Use Plan. Status: Ongoing

**ONEIDA**

Community & Economic Development Division - (Departmental Updates)

Planning & Statistics Department - Projects (continued):

The Land Use Designation Process – Phase II of Land Use is complete, we are waiting on approval from Land Commission on our forms as well as some Technology upgrades, and then we are ready to start using our new process. We must still complete the SOP or rules that are needed and revise the Land Use Designation document. STATUS: Ongoing



Community & Economic Development Division - (Departmental Updates)

Geographic Information Systems (GIS):

With the help of Joshua Swanson the GIS System is in the final stage of upgrades. The new GIS system has been designed to allow access to the entire organization.

The system will also include higher levels of security to protect sensitive data and control access to that data.

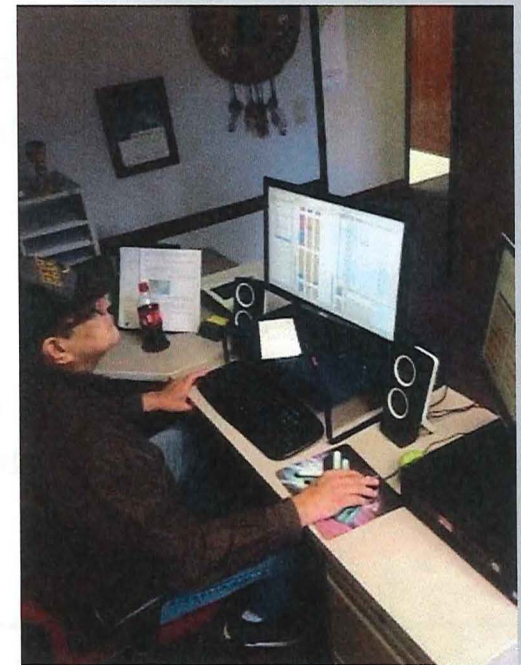
This system will be the hub of our Land Use information. Without the willingness and cooperation from different areas in the organization a project of this size would not have been possible. We still have a lot of Data Integration to do, however this is well on its way.

GIS updates and creation of maps continue.

Susan Doxtator – *Planning/GIS Director;*
James Petitjean – *Community Development Area Manager*



Contact Susan Doxtator
Office: 920-869-4594



**ONEIDA**

Community & Economic Development Division - (Departmental Updates)

Zoning Department

Zoning is currently full staffed.

Contact Leanne Doxtater
Office: 920-869-4534

We received a total of 23 permit applications this quarter.

There are currently 18 active projects. A few major projects currently in progress:

- New Car Wash at Four Path's received Occupancy February 14, 2018
- Solar Roof Project (near completion)
- Three Sisters Head Start addition to the existing building
- NHC Electrical Distribution Project (near completion)

This past quarter 14 Building Permits were issued, 4 Land Use Permits were issued and there were no Sanitary Permit's issued this quarter. 5 projects are still under review at this time.

Zoning has received 5 property complaints which have been investigated and forwarded for additional enforcement, if require.

Leanne Doxtater – Zoning Administrator/Manager;
James Petitjean – Community Development Area Manager

Community & Economic Development Division - (Departmental Updates)



Contact James Petitjean
Office: 920-869-4574

Transportation Planning

- Bids received for 2018 Roads.
- MCC, Inc. was awarded the contract for Water Circle Place/Red Willow Parkway. Construction to start May 2, 2018.
- Met with City of Green Bay for 54 Corridor Study. The City of Green Bay DPW Director has agreed to the study and DOT will coordinate next meeting in April 2018.



James Petitjean – *Transportation Planner/TTP Program Administrator*
Troy D. Parr, AIA – *Division Director*

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 25 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

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Agenda Header: 2nd Quarter Report

Accept as Information only

Action - please describe:

Approve Division of Public Works 2nd Quarter Report

3. Supporting Materials

Report Resolution Contract

Other:

1. 2nd Quarter Report 3. []
2. [] 4. []

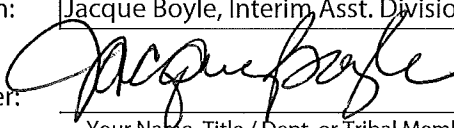
Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Jacque Boyle, Interim Asst. Division Director/Development Operations

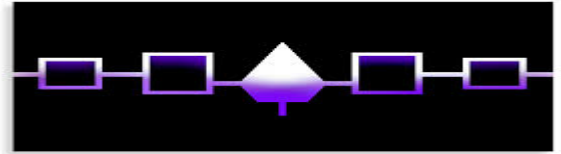
Primary Requestor/Submitter: 
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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ONEIDA NATION DIVISION OF PUBLIC WORKS



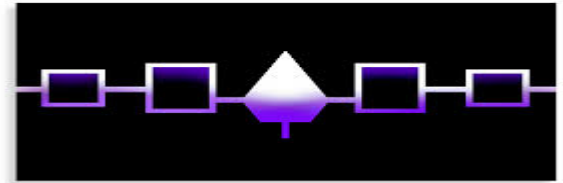
2018

2nd Quarter Report





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Automotive & Fleet Mgt.

The most important provisions for the Oneida Nation is safe operations of vehicles used for the Nation's business to remain operational to their full potential. This is done by scheduled maintenance and repairs of departmental vehicles.

Community Wells & Septic, Plumbing

To upgrade the standard of living by providing complying Septic Systems and potable water supply from Private Wells. To be the first line of defense again disease prevention.

Custodial

The DPW custodial department maintains all non-gaming Oneida Nation occupied buildings in a clean, sanitized, and safe environment through teamwork, communication, and quality customer service.

Facilities, Maintenance

The facilities department provides preventative and regular maintenance, remodeling, fire and security monitoring, event coordination, and departmental moves for 80+ buildings and their departments.

Grounds Keeping

The overall maintenance of all of the Oneida Nation's grounds, roads, landscaping, and 24 hour snow removal along with Tribally owned roads is the mission of the Grounds Keeping Department.

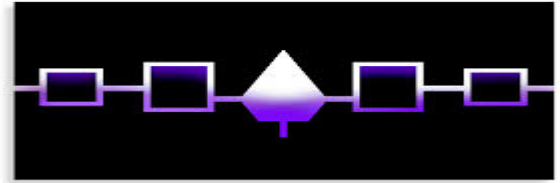
Utilities

Provide safe drinking water and environmentally safe wastewater treatment and septage removal. Provide billing for sewer and water, septic removal and refuse/ recycling services.

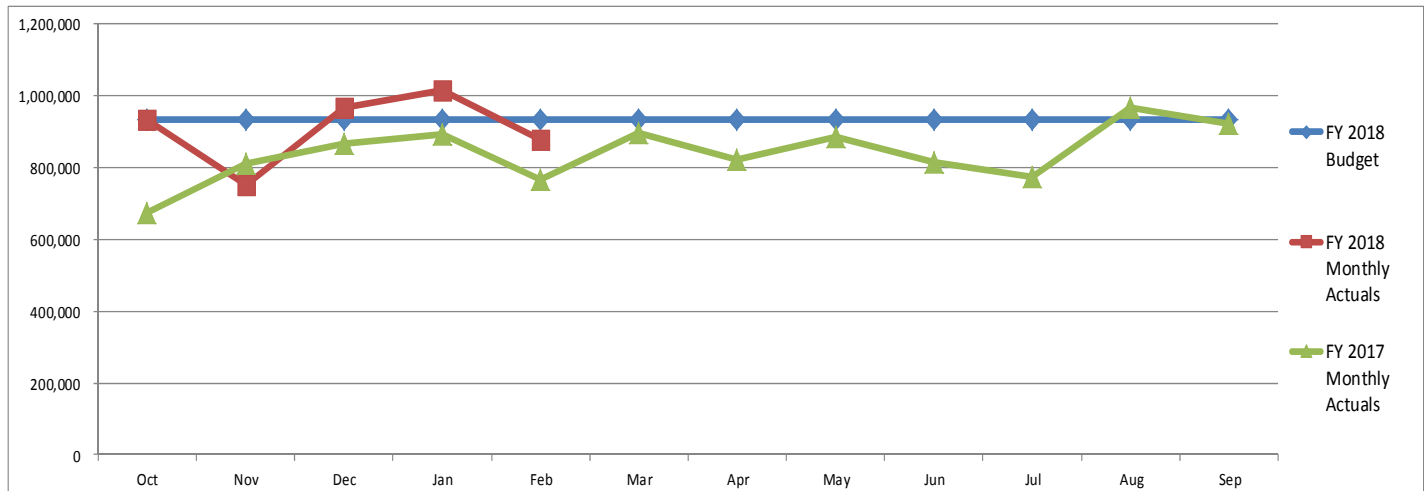




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Division of Public Works Consolidated Budget versus Actuals

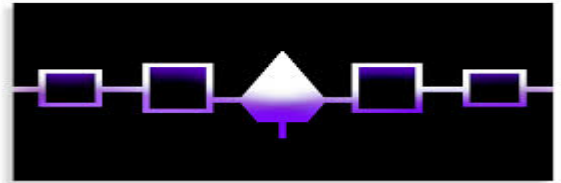


- YTD Actuals as of February are at a \$128,949 positive variance versus YTD Budget. This is approximately a 2.7% YTD variance.
- Major contributing factors to the positive variance are vacant positions and medical leaves.
- Reorganization efforts have created shared positions, efficiencies, and increased or improved services. Vacant Administrative positions are not being reposted at this time and existing personnel are sharing duties.





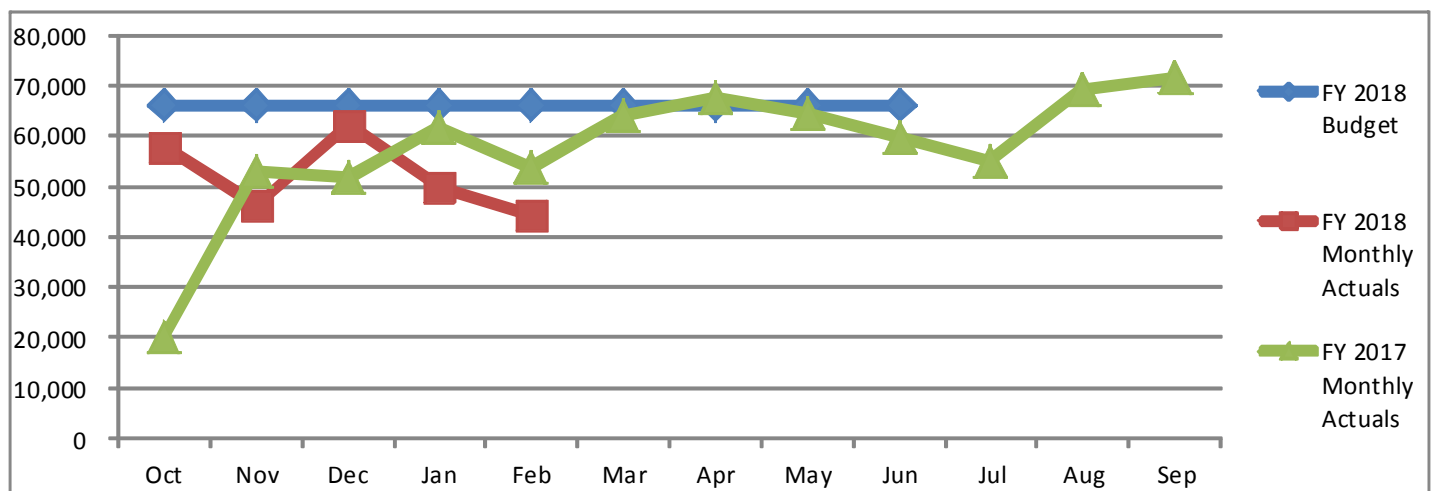
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Division of Public Works

Administration

The Department of Public Works Administration provides services and support for all of DPW business units and internal and external customers. Administration provides budget and financial support services, continuous improvement, customer services, fleet vehicle services, human resources services, safety awareness, and training.



Initiating and completing capital expenditure projects has been a major focus for DPW 2nd quarter. The major projects that have either been completed or are in progress include:

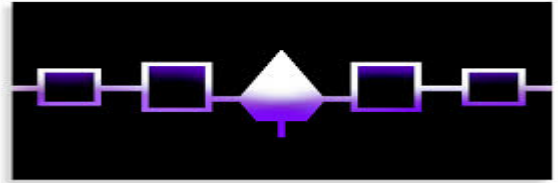
- NHC—Installation of new electrical distribution and service change.
- Turtle—Planning of summer projects to include HVAC upgrade, lighting upgrade, and restroom remodels for Handicap accessibility.
- NHC—Planning of summer projects to include flooring replacement and lighting upgrades.
- NHC—Boiler replacement in old MIS wing
- Various—updating HVAC controls and door controllers

DPW staff all completed blood borne pathogen training that was offered by Employee Health Services, employees attending O'Academy training through HRD, Electrical training completed on ARC Flash, electrical codes, and solar panels. Plumbing related training completed on digger's hotline process and plumbing codes.





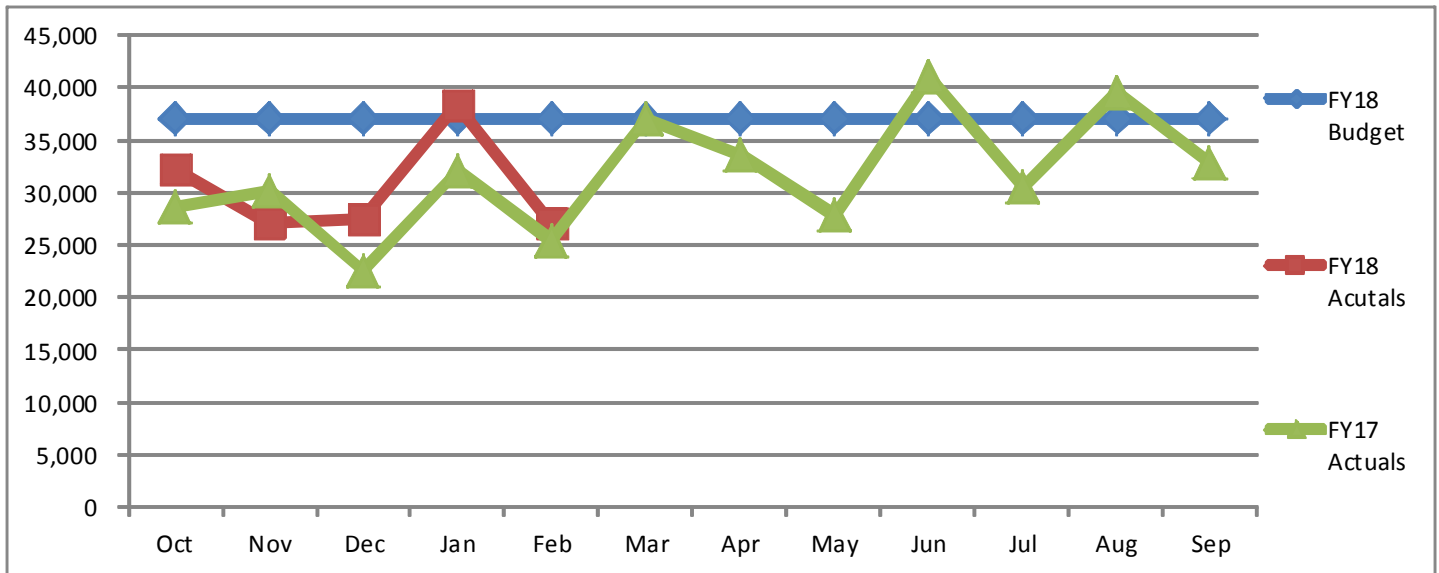
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Automotive Department

MISSION STATEMENT

The Division of Public Works Automotive Department is to provide professional and quality service with all Tribal businesses in maintenance and repairs of all Tribal vehicles in order for the Oneida Nation to remain successful. The Automotive Department’s purpose is to schedule and maintain Tribal owned vehicles and equipment, and to ensure that the vehicles are in safe and operational condition.



2nd Quarter Services

Automotive Work Orders Completed 2nd Qtr.: 281

Projects: Archibus for Inventory and Supplies 85% complete

Vehicle Requests: 69

Fleet Detailing: 161

Detail Prep coverage for Front Desk: 14

Fleet Management Projects

Capex Purchases: Front End Loader, Back Hoe, and Skid Steers

Vehicle Repairs (Incidents): \$1,288.01

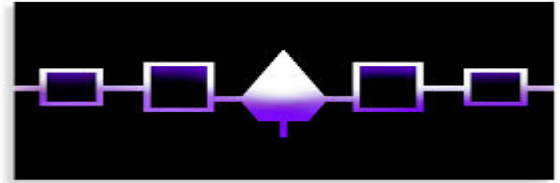
Bids Out: Five (5) additional vehicles for replacement



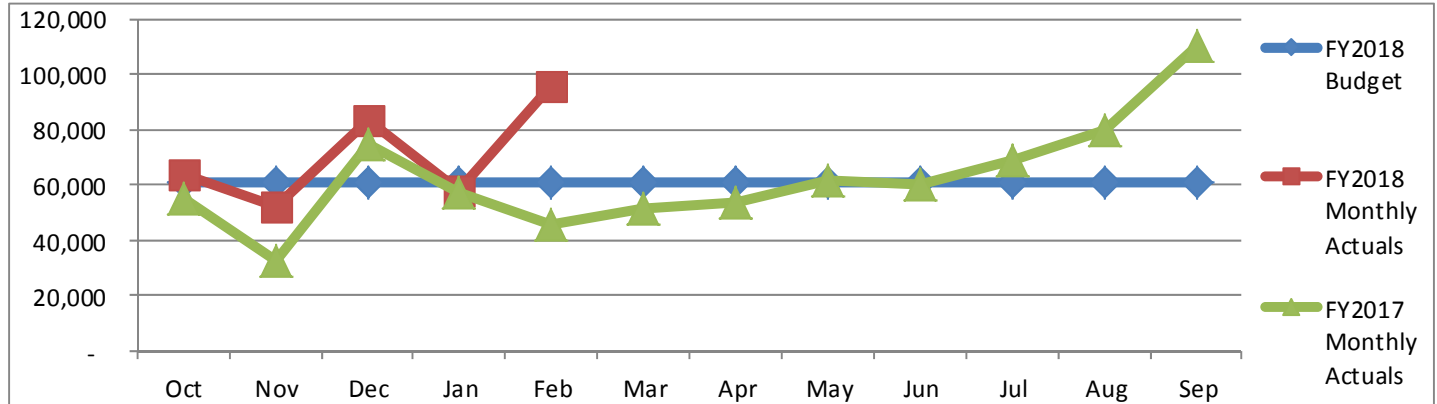


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Community



Wells and Septic, Plumbing



Projects

Description	Status
IHS Project BE-15-J50	4 New Applicants
IHS Project BE-15-J50	7 New HBO Sites on Beechtree Lane (no applicants yet)
IHS Project BE-12-G98	Start in Spring
POWTS Improvement & Inventory	Started 49 POWTS Evaluation Sites

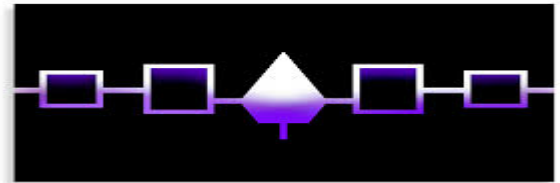
Program Alignment Summary

Alignment	Description	Status
Commitment to Building a Responsible Nation	CWS & Plumbing Repairs for: . Septic Systems . Water Supply/Well Repairs . Inside Plumbing Repairs	49 Homes
Commitment to Building a Responsible Nation	Engineering CIP Projects . HUD Uskah Village Building #3 , #4 . Oneida Nation Cemetery	Uskah Village inside plumbing (toilets, sinks & showers) Conservation has taken over checking well
Commitment to Building a Responsible Nation	Tribal Building Facilities Plumbing projects, repairs and services	35 Building Work Orders
Commitment to Building a Responsible Nation	Elder Services Comprehensive Housing Division Sites	27 Elder Homes 22 CHD Homes

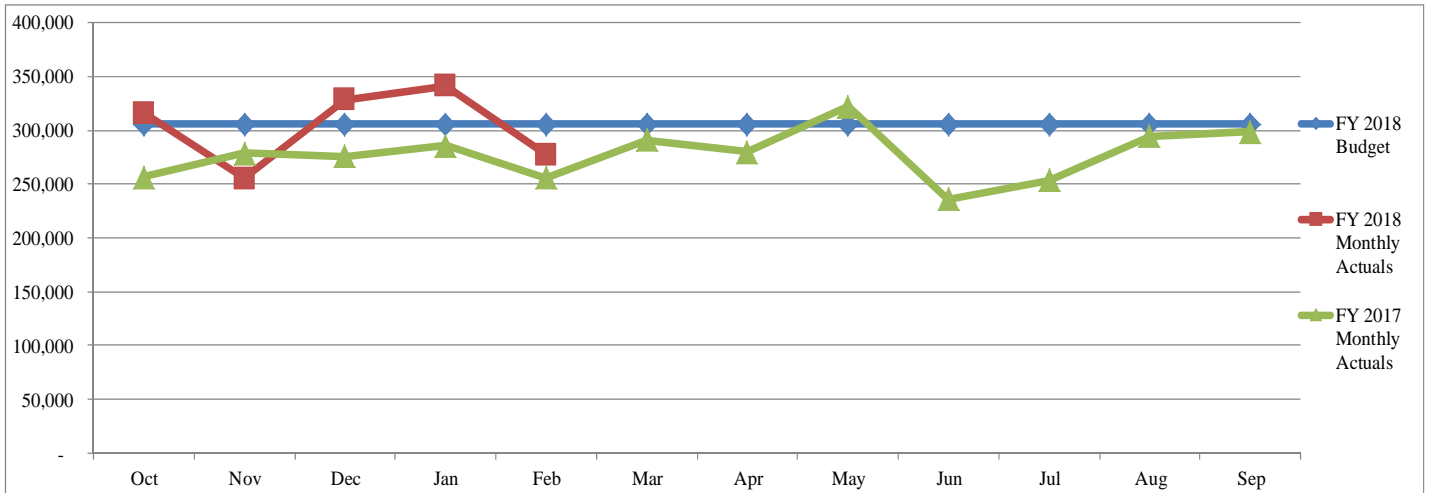




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Custodial Department



Projects/Services

Description/Project

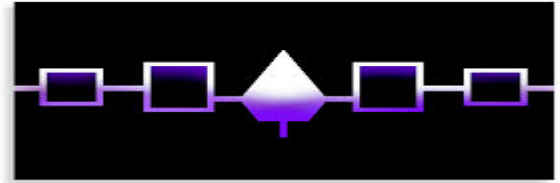
Status

Retail Outlet Flooring	Added 3rd shift crew to do Retail outlets
Define Building Cleaning Standards	Implemented building checklists
Upgrade Equipment	Working with vendors to identify equipment that work best for particular situations
Custodial Audit	Final Audit Report completed
Improve Efficiencies	Custodial team identifying areas where processes can be more efficient for supply deliveries, mop cleaning and rotation, and maintaining appropriate inventories.

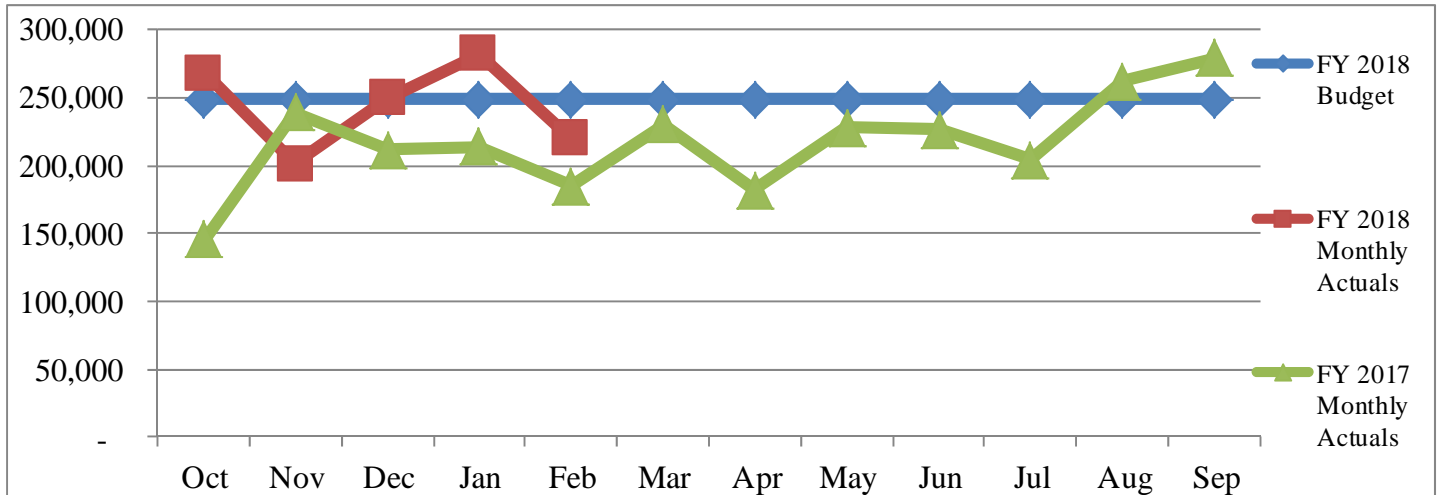




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Facilities Department



Program Alignment Summary

Alignment

Description

Completed

Committing to building a Responsible Nation

Working with Oneida Fire Department to schedule building tours and install Knox boxes for emergency access to buildings.

Met with Fire Chief and firemen. Updating building information and contacts for them. They are obtaining priority list for Fire Department Knox boxes.

Committing to building a Responsible Nation

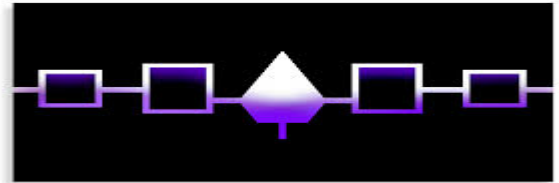
Scheduling of inspections for fire alarm systems and sprinkler systems. Also scheduled boiler inspections, elevator inspections, cross connection devices, and generators.

Completed all inspections that were scheduled to be done this quarter.





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Facilities Department Work Orders Completed 1st Quarter: 648

Completed Work Orders

January 2017	February 2018	March 2018
477	305	291

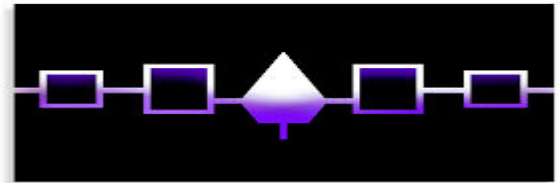
Initiatives and Projects

- ◆ BIE on requirements, deferred maintenance and projects.
- ◆ Land Management Boiler
- ◆ Temporary power installation for bridge and tree lighting
- ◆ Bay Bank—Air Handler Unit replacement RFP
- ◆ Food Distribution electrical for walk in cooler installation
- ◆ Health Center Boiler Installation
- ◆ Solar Deployment Project training and inspections
- ◆ Automotive and Custodial Inventory system to ARCHIBUS
- ◆ NHC emergency lighting, upgrade to LED lighting in corridor and law wing
- ◆ Four Paths Project— assist with refrigeration equipment, security systems, HVAC, review electrical design
- ◆ Assisting with Early Head Start CIP Addition Project
- ◆ Permitting training for low voltage projects
- ◆ Health Center dental LED lighting, bollard lighting

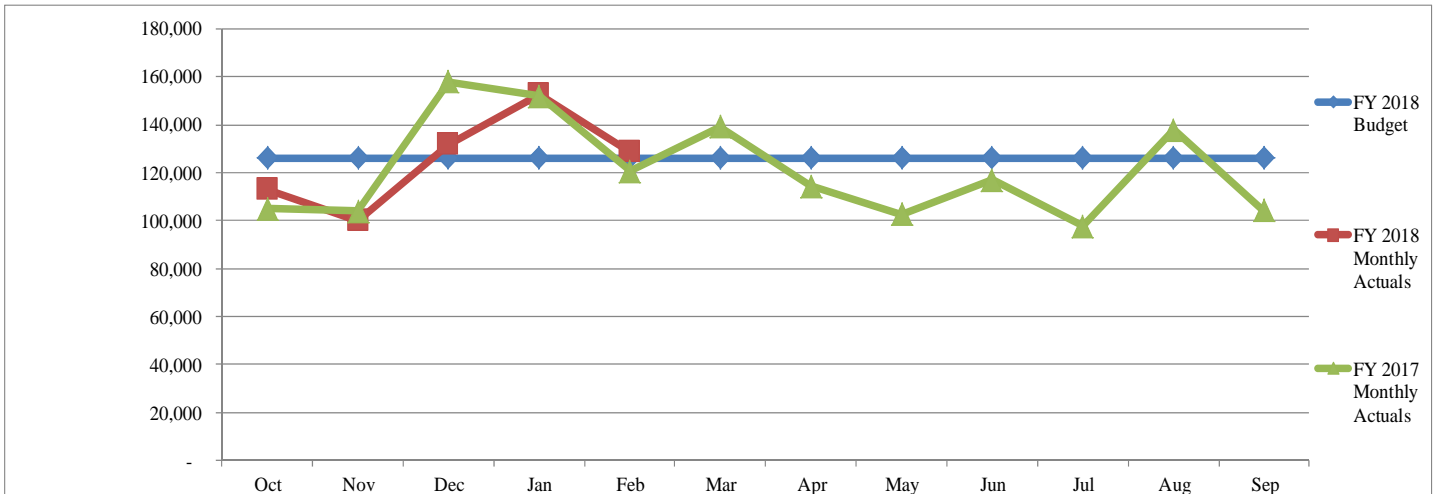




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Grounds Keeping Department



Projects/Services

Project/Services	Status
Work Orders Completed	13
Demolition	Planning and Scheduling
Snow Removal	On-going throughout April, 2018

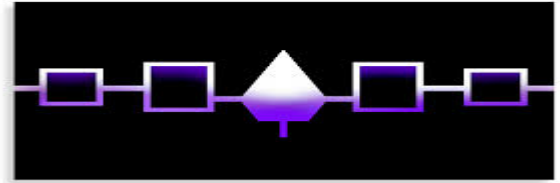
Program Alignment Summary

Alignment	Description	Status
Committing to building a Responsible Nation	Outside of Building Evaluations	Complete
Committing to building a Responsible Nation	Site Maps	Completed Site Maps for snow removal and lawn care.

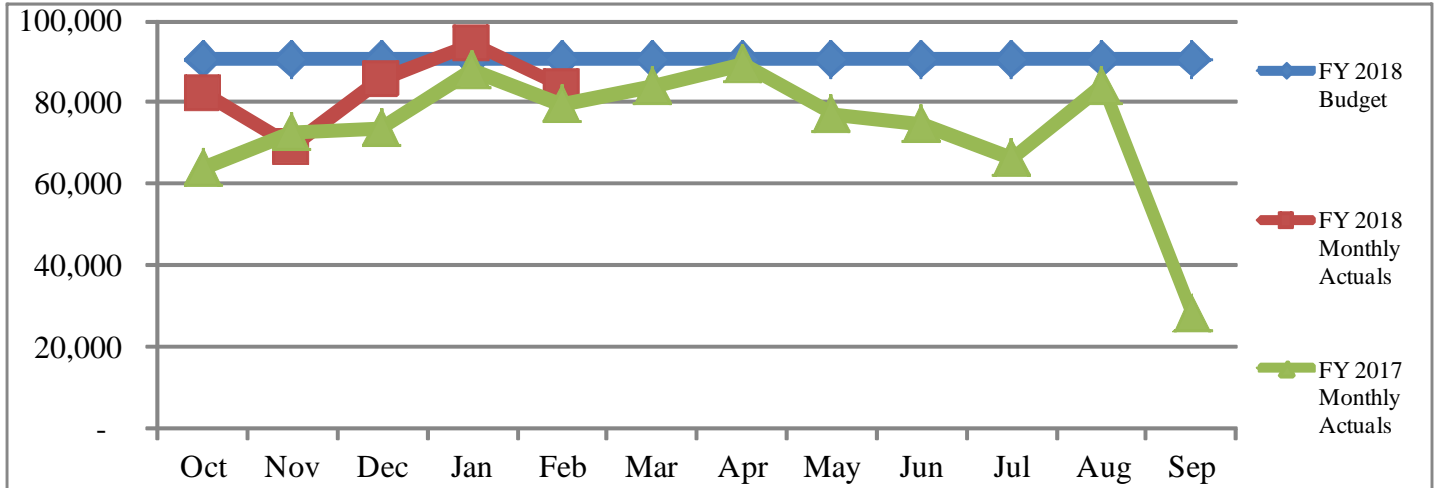




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Utilities Department



Services Provided

	1 st QTR	2 nd QTR	3 rd QTR	4 th QTR
Work Orders Complete	72	68		
Locate Requests-Diggers Hotline	127	44		
Septic Pumping	128	148		
Non Payment Disconnections (April 1 st - October 31 st only)	0	0		
Garnishment Action 1 st Notice		31		
Garnishment Action 2 nd Notice		7		
Garnishment Action 3 rd notice and Kali Posting				
Disconnection Notice Letters-sent UPS		50		

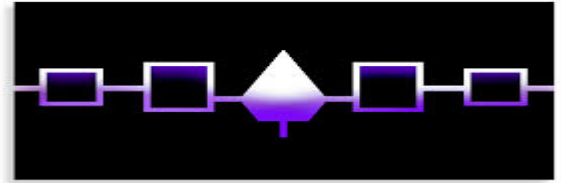
Program Alignment Summary

Alignment	Description	Completed
Committing to building a Responsible Nation	Public Water Legal Mandate/ Regulatory Compliance	EPA and Oneida Nation's Public Water and Wastewater required weekly sampling and testing were completed and in compliance for the 4th Quarter.





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Utilities Department

Other Statics

Water Customers Total:	661	Sewer Customers Total:	586
Residential	608	Residential	535
Commercial	18	Commercial	19
Internal Public Gov't	35	Internal Public Gov't	32

Refuse/Recycling customers - 976

Lift Stations – 13

Grinder Pumps - 2

Pump Houses - 5

WWTP - 1

Sandhill Circle Wastewater Plant-1 Sandfilter

Site 1 & 2 Water Booster Station – 1 that serves Site 2

Rolling Hills Water Tower

Hwy 54 Water Tower

Utilities Department

Projects

Community Wells, Pumphouses and Water Main Loop- IHS Project BE-12-G87-Pilot test to start early spring 2018

Water Loss Mitigation-IHS Project BE-15-164—Still monitoring

I & I Study (Infiltration and Inflow) IHS Project BE-15-J62—Bid Awarded and started 3-28-19

Hwy 54 Water Cap Ex Painting Project - Completed



XIV. GENERAL TRIBAL COUNCIL

This section of the agenda contains information for Tribal Members only. Please visit the Business Committee Support Office on the second floor of the Norbert Hill Center with Tribal I.D. to obtain full packet materials.

Materials may also be obtained after logging into the Tribal Members only portal at <https://oneida-nsn.gov/members-only/gtcportal/bc-meeting-materials-for-members-only/>

For any questions, please call the Business Committee Support Office at (920)869-4364 or send an email to TribalSecretary@oneidanation.org. Thank you.

XV. EXECUTIVE SESSION

This section of the agenda contains items held in executive session pursuant to the Open Records and Open Meetings Law.