
 <p>ONEIDA BUSINESS COMMITTEE STANDARD OPERATING PROCEDURE</p>	<p>TITLE: Employment Cap and Labor Allocations Level – Budget and Finances Law, Chapter 121</p>	<p>ORIGINATION DATE: May 2022 HRD June 2022 CFO Sept. 2022 OBC</p> <p>REVISION DATE: n/a</p> <p>EFFECTIVE DATE: Sept. 28, 2022</p>
<p>AUTHOR: Oneida Business Committee under Budget and Finances Law, s. 121.9-2(b)</p>	<p>APPROVED BY: Oneida Business Committee (<i>B&F, 121.9-2(b)</i>)</p>	<p><i>Resolution # BC-09-28-22-D</i></p>
<p>DEPARTMENT: All DIVISION: All</p>	<p>SIGNED: OBC Secretary</p> 	

1. Purpose.

- 1.1. Establish the procedure for the Manager to follow when managing the employment cap and the labor allocations throughout each fiscal year in accordance with the Budget and Finances law, section 121.9, Employment and Labor Allocations.
- 1.2. Excerpt from Budget and Finances Law, section 121.9, Employment and Labor Allocations.

121.9-1. *Employment Cap.* The Treasurer and CFO shall identify a maximum number of fulltime equivalent (FTE) employees to be employed by the Nation. The Oneida Business Committee shall have the authority to approve this employment cap, and any amendments thereto, through the adoption of a resolution. The employment cap shall be reviewed annually by the Oneida Business Committee.

(a) Employment positions that are fully funded through grants shall not be included in the employment cap.

(b) The Nation shall not exceed the number of FTE employees identified in the employment cap.

121.9-2. *Labor Allocations List.* The Treasurer, CFO, Executive Managers, and the Executive Human Resources Director shall utilize the Nation’s employment cap to develop a labor allocations list. The labor allocations list shall identify the number of FTE employees each employment area of the Nation is allocated. The Oneida Business Committee shall have the authority to adopt the labor allocation list, and any amendments thereto, through the adoption of a resolution. The Oneida Business Committee shall review the labor allocations list on an annual basis.

(a) The total number of FTE employees identified in the labor allocations list shall not exceed the Nation’s employment cap.

(b) The Treasurer, CFO, Executive Managers, and Executive Human Resources Director shall develop a standard operating procedure which identifies a process for the consideration of requests to revise the labor allocations list. The Oneida Business Committee shall approve this standard operating procedure, and any amendments thereto, through the adoption of a resolution.

121.9-3. *Unbudgeted Positions.* Any position which has not been specifically budgeted for and included in the labor allocation list shall be prohibited. Budgeted labor dollars and approved positions shall not be transferrable in any form.

(a) *Exception.* The Oneida Business Committee may authorize an unbudgeted position for a fund unit. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted position. The Oneida Business Committee shall authorize the unbudgeted position through the adoption of a resolution.

2. Definitions.

- 2.1. Terms not defined here or in the Budget and Finances law, Ch. 121, are used in their ordinary and everyday sense.
- 2.2. *Direct Report:* The positions identified in the Oneida Business Committee resolution identifying employees who are supervised by the Oneida Business Committee.
- 2.3. *Employment Cap:* The maximum number of fulltime equivalent employees to be employed by the Nation approved through the adoption of a resolution.
- 2.4. *Employment Cap Team:* The Treasurer and CFO and additional personnel as requested by the Treasurer or CFO.
- 2.5. *Finance:* The fund units managed by the CFO, including the related Accounting, Purchasing and Risk Management offices.
- 2.6. *Full-time employment:* Employees scheduled 30.00 or more hours per week.
- 2.7. *Full time equivalent:* The FTE is calculated by adding up each full-time employee equals 1.0 FTE, half time equals 0.75 FTE, and part time equals 0.5 FTE as more fully defined and described in this SOP.
- 2.8. *Fund Unit:* Any board, committee, commission, service, program, enterprise, department, office, or any other division or non-division of the Nation which receives an appropriation from the Nation.
- 2.9. *Grant funded:* Employment positions that are 100% fully funded through external grants.
- 2.10. *Half-time employment:* Employees scheduled 20-29.99 hours per week.
- 2.11. *Human Resources Information System:* The software utilized by HRD to manage the personal and employment positions of the Nation.
- 2.12. *Labor Allocations List:* The Labor Allocations List shall identify the number of FTE employees each fund unit of the Nation is allocated.
- 2.13. *Manager:* The person in charge of directing, controlling, and administering the activities of a fund unit.
- 2.14. *New position:* A position added to a draft budget that was not in the immediately preceding budget year.
- 2.15. *Part-time employment:* Employees scheduled 19.99 or less hours per week.
- 2.16. *Salary analysis:* A review by HRD of how jobs are classified and compensated.
- 2.17. *Title reassignment:* Process through which a supervisor works with HRD to more accurately describe or define an existing job, make minor adjustments in jobs within a unit or operating division.
- 2.18. *Unbudgeted positions:* Positions that are not in the approved fiscal year budget.

- 2.19. *Vacant position:* Any active position that no longer has an employee performing the duties of that position, either due to an employee separation or an employee on an approved leave of absence.
- 2.20. *Additional Acronyms Used:* In addition to the defined terms above, the following acronyms are used and defined.
 - 2.20.1. *CFO:* Chief Financial Officer.
 - 2.20.2. *FTE:* full time equivalent.
 - 2.20.3. *HRD:* Human Resources Department.
 - 2.20.4. *HRIS:* Human Resources information system.
 - 2.20.5. *JTPA:* Job Training Partnership Act.
 - 2.20.6. *SOP:* Standard Operating Procedure.
 - 2.20.7. *TANF:* Temporary Assistance for Needy Families.

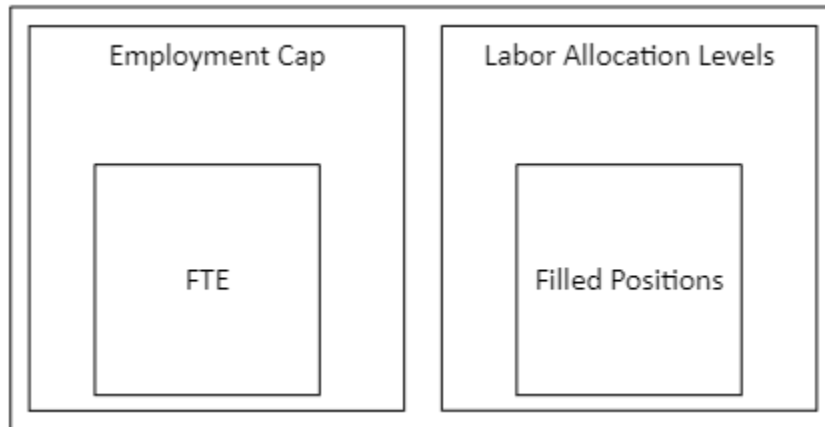
3. Full Time Equivalent Calculation

- 3.1. *General.* The FTE is calculated by adding up each full-time employee equal to 1.0 FTE, each half time equal to 0.75 FTE, and each part time equal to 0.5 FTE.
- 3.2. *Budget FTE Calculation.* To identify the FTE in the draft budget, the following positions are not included in the calculation:
 - 3.2.1. Positions funded 100 % through grant funds.
 - 3.2.2. JTPA summer workers.
 - 3.2.3. TANF youth workers.
 - 3.2.4. High school workers.
 - 3.2.5. College interns.
 - 3.2.6. Summer youth and college workers.
- 3.3. *Weekly FTE Calculation.* Each week, HRD shall e-mail to the Oneida Business Committee and Direct Reports the weekly FTE levels. To identify the weekly FTE levels, the following positions are not included in the calculation:
 - 3.3.1. Positions funded 100 % through grant funds.
 - 3.3.2. JTPA summer workers.
 - 3.3.3. TANF youth workers.
 - 3.3.4. High school workers.
 - 3.3.5. College interns.
 - 3.3.6. Summer youth and college workers.

4. Labor Allocations.

- 4.1. Labor allocation is a systematic method of tracking positions based on approved funding and to identify relationship to the employment cap. It creates the framework of position management within the Oneida Nation without regard to whether there is an incumbent in a specific job or not. This applies to all regular status positions and is established annually as part of the approved budget each fiscal year. Upon the approval of each fiscal year, the labor allocation list will become the general master list of approved positions that the Nation will utilize for position control and is done so through the management of employment levels. The labor allocation list is modified within a fiscal year in accordance with this SOP.

- 4.2. The Oneida Nation utilizes labor allocation levels to:
 - 4.2.1. Manage the approved positions through the annual budget process.
 - 4.2.2. Track and manage changes to positions approved through the annual budget each fiscal year.
 - 4.2.3. Manage and track the Labor Allocation List to account for all revisions throughout the fiscal year.
 - 4.2.4. Track FTE for maintaining compliance with the established employment cap.
 - 4.2.5. Maintain data used for regulatory reporting.
- 4.3. *Relation of Employment Cap, FTE, and Labor Allocation Levels.* Employment cap is the total number of FTE positions that can be reasonably funded within a given fiscal year in relation to FTE which is the full-time equivalent of all positions which are filled. Labor allocation levels references every budgeted position within the Oneida Nation organization and is monitored by the number of filled positions. Labor allocation levels are managed by employment caps and FTEs, not by the number of employees.



5. Annual Budget Planning – Employment Cap Team

- 5.1. The Treasurer and CFO shall establish the Employment Cap Team by submission to the Oneida Business Committee of a memorandum with the submission of the Budget Schedule and Guidelines Request, Budget and Finances law, s. 121.5-4(a).
- 5.2. The Employment Cap Team will submit an employment cap recommendation to be established by adoption of a resolution by the Oneida Business Committee. The recommendation shall include the supporting reasons for the employment cap, the employment cap levels for the previous three years, and the relationship to the labor allocation levels for the previous three years. Examples of supporting reasons include:
 - 5.2.1. Changes in economy affecting patrons of business enterprises, clients of program services, or cost/availability of resources.
 - 5.2.2. Changes in federal grant funding levels.
 - 5.2.3. Changes in self-governance contract funding.

- 5.3. The Employment Cap Team will evaluate all new position requests and ensure compliance with the employment cap and employment related budget guidelines adopted by the Oneida Business Committee.
- 5.4. The Employment Cap Team is responsible for monitoring the employment cap and will collectively decide which new or vacant positions are supported and which ones shall be removed from the draft budget in the event the employment cap is exceeded. The Employment Cap Team shall document the basis for determining how decisions are made should the employment cap be exceeded, and positions need to be evaluated to remain in the draft budget.
- 5.5. HRD will provide notification to the Manager of the fund unit when and where positions may be removed from the draft budget through the review and decisions of the Employment Cap Team.
- 5.6. The position levels in the draft budget will be reviewed and finalized by HRD and the CFO or designee and forwarded to the Treasurer for inclusion with the draft budget presented to the Oneida Business Committee for approval under Budget and Finance law, sec. 121.5-4(b).

6. Establishment of Labor Allocation Levels for Each Fiscal Year

- 6.1. After adoption of the fiscal year budget by the Oneida Business Committee and General Tribal Council, HRD will then update and enter all approved labor allocations levels into the HRIS. The list approved by the Oneida Business Committee establishes the labor allocation levels for the fiscal year and the base-line employment levels for the next fiscal year.
- 6.2. Positions that are new for the fiscal year will be noted on the payroll report as new. All positions will be assigned a position number by HRD when the job description is posted to be hired.
- 6.3. Once the position has an established number by HRD, the labor allocation levels will be updated accordingly.
- 6.4. HRD will enter and verify all labor allocation levels into the HRIS to reflect the approved labor allocations list.
- 6.5. HRD will identify when the labor allocation levels are updated in the HRIS system by submitting a monthly report in executive session on the Oneida Business Committee agenda. This report will reflect approved labor allocation levels for each fund unit and will be utilized to manage the labor allocation levels throughout the fiscal year. HRD and each fund unit will confirm appropriate labor allocation levels have been accounted for through collaborative review.

7. Existing positions.

- 7.1. Title Reassignment may occur when a department is requesting to modify or change existing positions with incumbent employees. This may occur when changing the title to better reflect the position and move employee into a more accurate job title or when posting a vacant position.
- 7.2. Once title reassignment is complete, HRD will update the Labor Allocation List by deleting the old position number and inserting the new position number.

- 7.3. No title reassignment may result in an increase in the budgeted amount for that position. Provided that, actions may be taken under Section 8 or Section 9 of this SOP.

8. Vacant Position Transferring Labor Allocations

- 8.1. *Changing existing vacant positions through labor allocation changes:* This may occur where the number or type of position are adjusted. Total labor allocations levels may not be increased within the fiscal year through vacant position transfers.
- 8.2. Labor allocation level changes may occur for the following reasons:
 - 8.2.1. Update positions to better address organizational needs; and/or
 - 8.2.2. Reorganizational changes to meet programs, services or enterprise goals in a more efficient or effective manner.
- 8.3. Labor allocation level changes will be processed by a Manager submitting a formal request through their respective chain of command up to the Direct Report and:
 - 8.3.1. placement on the Oneida Business Committee agenda in accordance with section 121.9-3(a) of the Budget and Finances law if an unbudgeted or underbudgeted position is created, or if the labor allocation change will result in a transfer from Indirect Cost funded to tribal contribution funded position.¹ Underbudgeted means the aggregate of all changes results in additional annual funding for the position than that which is currently budgeted; or²
 - 8.3.2. forwarded to HRD for validating the information and updating the labor allocations list with the changes if no unbudgeted or underbudgeted positions are created.
- 8.4. The HRIS system will be updated upon approval identified in section 8.3 to reflect the Labor Allocation List changes.

9. Unbudgeted Positions

- 9.1. Any position which has not been specifically budgeted for and included in the Labor Allocation List or where there is no available or existing funding shall be prohibited.
- 9.2. *Exception:* The Oneida Business Committee may authorize an unbudgeted position for a fund unit.
- 9.3. All requests for unbudgeted positions must be submitted to the Oneida Business Committee for consideration.
 - 9.3.1. Requests should be submitted by the Manager utilizing the unbudgeted position request form to the Direct Report.
 - 9.3.2. The Manager along with the Direct Report will present the request to the Oneida Business Committee and include all documentation as outlined on the unbudgeted position request form and in coordination with HRD.

¹ Example: This type of labor allocation change involves moving a position within a department or from department to department where indirect cost, grant, self-governance, APRA FRF LR TCS is used to fund the original position but would not apply to the position change being requested.

² Example: The budget/labor allocation would move from department A to department B and would not result in a budget modification.

- 9.3.3. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the proposed unbudgeted position.
- 9.3.4. The Oneida Business Committee shall authorize the unbudgeted position through the adoption of a resolution.
- 9.4. Managers will submit the request to the Direct Report for approval to add 100% fully grant funded positions to the Labor Allocations List. The Direct Report will confirm with CFO that the position is 100% fully grant funded.

10. References

- 10.1. Budget and Finances law, 1 O.C. 121.
- 10.2. See also appropriate HRD SOP's regarding position descriptions, reassignments, reorganization, and other actions.
- 10.3. This Standard Operating Procedure supersedes the FTE formulas set in resolution #BC-09-27-17-I, *Strategic Workforce Planning – Budget – Implementation for Oneida Nation*, and resolution # BC-03-14-18-D, *Amending Resolution # BC-09-27-17-I, Strategic Workforce Planning – Budget – Implementation for Oneida Nation*.