



Legislative Operating Committee Fiscal Year 2025 First Quarter Report October 2024 – December 2024

Legislative Operating Committee Strategic Directions

The Legislative Operating Committee completed strategic planning and set forth the following strategic directions to provide clarity and direction on the Legislative Operating Committee’s legislative efforts during the 2023-2026 legislative term:

- Improving relationships through communication;
- Improving internal processes and strategy;
- Educating and engaging stakeholders, including youth; and
- Implementing efficient use of technology.

Legislative Operating Committee Action on Legislative Requests

During the FY25 First Quarter the Legislative Operating Committee added two (2) legislative items to its Active Files List. The Legislative Operating Committee denied zero (0) legislative items during the FY25 First Quarter.

On November 6, 2024, the Legislative Operating Committee added the Indian Preference in Contracting law amendments to its Active Files List.

On December 18, 2024, the Legislative Operating Committee added the Petition S. Benton- Move Oneida Nation Arts Program under Tourism or Community Development to its Active Files List.

FY25 First Quarter Legislative Accomplishments

During the FY25 First Quarter the Legislative Operating Committee brought forward the following legislative items for amendment:

Computer Resources Ordinance Amendments

On October 9, 2024, the Oneida Business Committee adopted amendments to the Computer Resources Ordinance, now known as the Technology Resources law, through the adoption of resolution BC-10-09-24-A. The purpose of the Technology Resources law is to regulate the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1].

The amendments to the Computer Resources Ordinance:

- Revise the title and references throughout the Law from “computer resources” to “technology resources.”

- Clarify that users are expected to conduct themselves professionally and to refrain from using technology resources of the Nation for activities that are inappropriate no matter in what location the user utilizes the technology resources of the Nation. [2 O.C. 215.5-1].
- Clarify that it shall not be deemed an inappropriate use for a user to share information or evidence regarding the inappropriate use of another user if reporting the inappropriate use in accordance with the proper reporting structure. [2 O.C. 215.5-2].
- Clarify that any standard operating procedure defining excessive use of technology resources for any user that is an employee of the Nation is required to be developed in accordance with all other laws and rules of the Nation. [2 O.C. 215.7-1(a)].
- Include a new provision in which DTS is delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.9-1].

Investigative Leave Policy Amendments

On November 13, 2024, the Oneida Business Committee adopted amendments to the Investigative Leave Policy, now known as the Investigative Leave law, through adoption of resolution BC-11-13-24-I. The purpose of the Investigative Leave law is to set forth a process to address investigative leave for employees undergoing work-related investigations. [2 O.C. 208.1-1]. The amendments to the Investigative Leave law:

- Clarify the severity of an alleged violation that may warrant an investigative leave and provide examples. [2 O.C. 208.4-1(a)].
- Clarify the type of risks that an investigative leave is intended to protect against. [2 O.C. 208.4-1(b)].
- Prevent undue financial harm to an employee placed on investigative leave. [2 O.C. 208.4-2(a)].
- Eliminate unpaid status for the employee placed on investigative leave for up to forty-five (45) days. [2 O.C. 208.4-2(a)].
- Balance the intention to prevent undue financial harm to an employee placed on investigative leave with the Nation's fiscal responsibilities by shifting the employee to unpaid status when an investigation cannot be safely concluded within forty-five (45) days. [2 O.C. 208.4-2(c)].
- Clarify that an employee may use their personal and vacation time if the investigative leave extends past forty-five (45) days. [2 O.C. 208.4-2(b)].
- Provide that when an employee has used their personal and vacation time up all pay and benefits stop. [2 O.C. 208.4-2(c)].
- Extend the authority to initiate an investigative leave to include the Executive Director of the Human Resource Department. [2 O.C. 208.5-1(a)].
- Clarify that when there is no division director a supervisor must secure authorization from the person at the highest level in the chain of command under the Oneida Business Committee prior to placing an employee on investigative leave. [2 O.C. 208.5-1(b)(2)].

- Delegate the authority for designating the individual or agency responsible for completing the investigation to the Executive Director of the Human Resource Department and the supervisor, instead of the employee’s supervisor and/or area manager. [2 O.C. 208.7-1].
- Delete the requirement that the Equal Employment Officer always conducts the investigation if the employee being investigated reports directly to the Oneida Business Committee and instead provide that they may also serve as a liaison to an investigating agency when that is more appropriate. [2 O.C. 208.7-1].
- Eliminate the option for a supervisor to place an employee in an alternate work assignment while on investigative leave. [2 O.C. 208.9-1(a)].
- Expand the requirements that notice to the employee placed on investigative leave must contain. The additional requirements are as follows: [2 O.C. 208.6-1].
 - The employee must surrender all property of the Nation. [2 O.C. 208.6-1(i)].
 - Clear documentation regarding the status of pay and benefits. [2 O.C. 208.6-1(c)].
 - The definition of business hours. The employee is required to respond to inquiries within twenty-four (24) business hours to remain on paid investigative leave within the first forty-five (45) days. [2 O.C. 208.6-1(d)].
 - Whether the investigation has been referred to an outside agency. [2 O.C. 208.6-1(g)].
 - List of the employee’s responsibilities. [2 O.C. 208.6-1(k)].
 - Email address of the person the employee may contact if they have questions related to the investigative leave. [2 O.C. 208.6-1(h)].
- Extend the issuance of the second notice to the employee placed on investigative leave from fifteen (15) days to thirty-five (35) days. [2 O.C. 208.6-2].
- Clarify that the second notice must provide the employee placed on investigative leave with the following information: [2 O.C. 208.6-2].
 - That the employee remains an employee of the Nation. [2 O.C. 208.6-2(a)].
 - Clear documentation regarding the cessation of pay and benefits. [2 O.C. 208.6-2(b)].
 - The definition of business hours as it pertains to the employee’s particular area of employment. [2 O.C. 208.6-2(c)].
 - The expected length of the investigation. [2 O.C. 208.6-2(d)].
 - The telephone number, email address, and name of the person to contact with questions. [2 O.C. 208.6-2(e)].
 - The employee’s responsibilities. [2 O.C. 208.6-2(f)].
- Eliminate the requirement that a supervisor must conclude an investigation without waiting for the conclusion of a criminal or licensing matter. [2 O.C. 208.9-1(a)].
- Eliminate the requirement that an investigative leave must close upon the passing of fifteen (15) days, plus a possible extension of fifteen (15) days, unless an outside agency is conducting the investigation and instead allow the decision makers to close an investigative leave when a reasonable determination based on verifiable facts can be made. [2 O.C. 208.8-1].
- Expedite investigations by adding a requirement that the supervisor, or the EEO Officer (whichever is overseeing the investigation), provide the Executive Director of the Human Resource Department with weekly updates on the investigation. [2 O.C. 208.8-2].
- Eliminate the provision that requires the supervisor to conclude an investigation within forty-eight (48) hours of receiving the investigative report when someone else is conducting the investigation. [2 O.C. 208.8-1].

- Provide the employee who was placed on investigative leave with a redacted copy of the investigative report when requested, instead of only providing the redacted report to an employee who files an appeal. *[2 O.C. 208.7-4(c)].*
- Require the supervisor to provide written notice and justification to the Executive Director of the Human Resource Department if they choose not to follow the corrective action recommended by the investigator(s). *[2 O.C. 208.7-4(a)(1)].*
- Expand an employee's responsibilities when on an investigative leave to include the surrender of all property of the Nation, respond to any inquires within twenty-four (24) business hours, and not share anything related to the investigation on social media. *[2 O.C. 208.10-2. 2 O.C. 208.12-1].*
- Create the option for an exception to be made to the complete prohibition of the employee who is placed on investigative leave entering any public worksite; if, and only if, it is determined that access is necessary, safe, appropriate, and the specific conditions under which access may be allowed are provided for in the notice to the employee. *[2 O.C. 208.9-1(a)(1)].*
- Require that the employee placed on investigative leave respond to all inquiries within twenty-four (24) business hours. *[2 O.C. 208.9-1(e)].*

FY25 First Quarter Administrative Accomplishments

During the FY25 First Quarter the Legislative Operating Committee brought forward the following administrative accomplishments:

Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales

The Legislative Operating Committee certified and forwarded the Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales Amendments to the Oneida Business Committee. On November 13, 2024, the Oneida Business Committee adopted the amendments to the Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales.

FY25 First Quarter Community Outreach Efforts

Focusing on its efforts to enhance community involvement through outreach and communication, during the FY25 First Quarter the Legislative Operating Committee held one (1) community outreach event.

On December 4, 2024, from 5:30 p.m. through 7:30 p.m. the Legislative Operating Committee held a community meeting in the Norbert Hill Center's cafeteria. Topics discussed during the community meeting included a discussion of the development of the following legislation for the Nation: Marijuana law, Short Term Rental law, and amendments to the Boards, Committees, and Commissions law. The purpose of this community meeting was to provide an opportunity for open discussion in which people could share comments, questions, or suggestions on potential issues that should be addressed regarding the topics discussed.

The Legislative Operating Committee intends to hold community outreach events on a quarterly basis and encourages everyone to attend and participate in future community outreach events.

FY25 First Quarter Legislative Highlights

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY25 First Quarter:

Boards, Committees, and Commissions Law Amendments

This item is sponsored by Kirby Metoxen. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter. On December 4, 2024, the Legislative Operating Committee held a community meeting in which the development of amendments to the Boards, Committees, and Commissions law was a topic of discussion.

Business Corporations Law

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

Elder Protection Law

This item is sponsored by Jennifer Webster and Marlon Skenandore. The Legislative Operating Committee held five (5) work meetings during the FY25 First Quarter regarding this legislative matter.

Guardianship Law Amendments

This item is sponsored by Marlon Skenandore. The Legislative Operating Committee held one (1) work meetings during the FY25 First Quarter regarding this legislative matter.

Hunting, Fishing, and Trapping Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

Independent Contractor Policy Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

Landlord Tenant Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

Law Enforcement Ordinance Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held four (4) work meetings during the FY25 First Quarter regarding this legislative matter.

Marijuana Law

This item was sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter. On December 4, 2024, the Legislative Operating Committee held a community meeting in which the development of a Marijuana law was a topic of discussion.

Oneida Life Insurance Plan Law Amendments

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meetings during the FY25 First Quarter regarding this legislative matter. On October 2, 2024, the Legislative Operating Committee conducted an e-poll entitled, *Approval of Canceled October 2, 2024 LOC Meeting Materials*, which approved the public meeting packet for the proposed amendments to the Oneida Life Insurance Plan law, and forward the Oneida Life Insurance Plan law amendments to a public meeting to be held on November 15, 2024. On October 16, 2024, the Legislative Operating Committee entered into the record the results of that October 2, 2024 e-poll. On November 15, 2024, a public meeting regarding the proposed amendments to the Oneida Life Insurance Plan law was held. Five (5) individuals provided comments during the public meeting. The public comment period was then held open until November 22, 2024. Two (2) individuals provided written comments during the public comment period. On December 4, 2024. The Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred those items to a work meeting held the same day for further consideration. Then on December 18, 2024, the Legislative Operating Committee approved the updated public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Oneida Life Insurance Plan law; and approved the fiscal impact statement request memorandum and forwarded the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by January 9, 2025. The Finance Administration provided the Legislative Operating Committee the fiscal impact statement on December 27, 2024.

Oneida Personnel Policies and Procedures

This item is sponsored by all members of the Legislative Operating Committee. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

Probate Law

This item is sponsored by Kirby Metoxen, Jameson Wilson, Marlon Skenandore. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

Real Property Law Amendments

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held two (2) work meeting during the FY25 First Quarter regarding this legislative matter.

Recycling and Solid Waste Disposal Law Amendments

This item is sponsored by Kirby Metoxen and Jonas Hill. The Legislative Operating Committee held two (2) work meeting during the FY25 First Quarter regarding this legislative matter.

Renewable Energy Law

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

Short Term Rental Law

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter. On December 4, 2024, the Legislative Operating Committee held a community meeting in which the development of a Short Term Rental law was a topic of discussion.

Taxation Law

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

Tribal Sovereignty in Data Research Law

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

Two Spirit Inclusion Law

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

Uniform Commercial Code

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

Vendor Licensing Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

Workplace Violence Law Amendments

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

FY25 First Quarter Legislative Operating Committee Meetings

All Legislative Operating Committee meetings are open to the public and held on the first and First Wednesday of each month, at 9:00 a.m. in the Norbert Hill Center's Business Committee

Conference Room and on Microsoft Teams.

The Legislative Operating Committee held the following meetings during the FY25 First Quarter:

- October 16, 2024 – Regular meeting;
- November 6, 2024 – Regular meeting;
- November 20, 2024 – Regular meeting;
- December 4, 2024 – Regular meeting; and
- December 18, 2024 – Regular meeting.

The October 2, 2024, Legislative Operating Committee meeting was canceled due to a lack of quorum based on scheduling conflicts.

In addition to attending the Legislative Operating Committee meetings in person, individuals provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. Anyone who would like to access the Legislative Operating Committee meeting through Microsoft Teams can provide their name, phone number or e-mail address to LOC@oneidanation.org by the close of business the day before a meeting of the Legislative Operating Committee to receive the link to the Microsoft Teams meeting.

For those who may be unable to attend the Legislative Operating Committee meeting either in person or on Microsoft Teams, an audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes.

Goals for FY25 Second Quarter

During the FY25 Second Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

- Hold an additional LOC Community meeting.
- Adoption of the Oneida Life Insurance Plan Law Amendments.
- Hold a public meeting for the Oneida Nation Law Enforcement Ordinance Amendments.

Legislative Reference Office

The Legislative Reference Office's mission is to provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects the Nation's values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty.

In addition to the assisting the Legislative Operating Committee with the development of legislation, the Legislative Reference Office also:

- Drafts statements of effect for Oneida Business Committee and General Tribal Council resolutions;
- Drafts statements of effect for General Tribal Council resolutions petitions;
- Drafts and provides other assistance to various department and entities of the Nation with administrative rulemaking;

- Drafts and provides other assistance to various department and entities of the Nation with bylaws; and
- Manages all other administrative duties and recordkeeping for the Legislative Operating Committee.

During the FY25 First Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Leeman, Senior Legislative Staff Attorney.
 - Contact: cleeman@oneidanation.org
- Carolyn Salutz, Legislative Staff Attorney.
 - Contact: csalutz@oneidanation.org
- Grace Elliott, Legislative Staff Attorney.
 - Contact: gelliott@oneidanation.org

Legislative Operating Committee Contact Information

Feel free to contact the LOC at LOC@oneidanation.org with any questions or comments, or individual LOC members at the following:

- Jameson Wilson, LOC Chairman
jwilson@oneidanation.org
- Kirby Metoxen, LOC Vice-Chairman
kmetox@oneidanation.org
- Jennifer Webster, LOC Member
jwebstel@oneidanation.org
- Jonas Hill, LOC Member
jhill1@oneidanation.org
- Marlon Skenandore, LOC Member
mksenan1@oneidanation.org



The Legislative Operating Committee from left to right: Kirby Metoxen, Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill.