



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
April 2, 2025  
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
  1. March 5, 2025 LOC Meeting Minutes (pg. 2)
- III. Current Business**
  1. Oneida Nation Law Enforcement Ordinance Amendments (pg. 4)
- IV. New Submissions**
  1. General Tribal Council Meeting Stipend Payment Policy Amendments (pg. 30)
- V. Additions**
- VI. Administrative Updates**
  1. One Year Review of the Drug and Alcohol Free Workplace Law Amendments (pg. 39)
- VII. Executive Session**
- VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
March 5, 2025  
9:00 a.m.

**Present:** Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill

**Excused:** Marlon Skenandore

**Others Present:** Clorissa N. Leeman, Grace Elliott, Carolyn Salutz

**Others Present on Microsoft Teams:** Barbara Webster, Chad Fuss, Eric Boulanger, Janice Decorah, Rae Skenandore, Sarah White, Tavia James-Charles, Peggy Helm-Quest, Trina Schuyler, David P. Jordan, Fawn Billie, Fawn Cottrell, Kristal Hill, Mark Powless, Matthew Denny, Ralinda Ninham-Lamberies

**I. Call to Order and Approval of the Agenda**

Jameson Wilson called the March 5, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to approve the agenda; seconded by Jennifer Webster. Motion carried unanimously.

**II. Minutes to be Approved**

**1. February 19, 2025 LOC Meeting Minutes**

Motion by Jonas Hill to approve the February 19, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

**III. Current Business**

**1. Sanctions and Penalties Law**

Motion by Jennifer Wester to approve the updated draft and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Jonas Hill to approve the Legislative Operating Committee Sanctions and Penalties law community work session notice, and schedule a community work session to occur on April 2, 2025; seconded by Kirby Metoxen. Motion carried unanimously.



**IV. New Submissions****1. Oneida General Welfare Law Amendments**

Motion by Kirby Metoxen to deny the request to add the Oneida General Welfare law amendments to the Active Files List, and direct the Legislative Reference Office send a memo to the Nation's Child Support Department and request additional data for other potential legislative issues, including the Child Support law; seconded by Jonas Hill. Motion carried unanimously.

**V. Additions****VI. Administrative Updates****VII. Executive Session****VIII. Adjourn**

Motion by Jonas Hill to adjourn at 9:22 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee  
April 2, 2025

# Oneida Nation Law Enforcement Ordinance Amendments

<b>Submission Date:</b> 9/17/14	<b>Public Meeting:</b> 3/14/25
<b>LOC Sponsor:</b> Jonas Hill	<b>Emergency Enacted:</b> n/a

**Summary:** *This item was carried over from the previous three terms. The item was originally added to the Active Files List per the request of the Oneida Police Department and the Oneida Law Office that clarification be added to the law regarding whether the Nation’s Conservation wardens qualify as sworn officers.*

**9/17/14 LOC:** Motion by Jennifer Webster to add Law Enforcement Ordinance Amendments – Conservation Officers to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously. *Note: Tehassi Hill will be the sponsor for this item.*

**10/10/16:** *Quarterly Sponsor Update Meeting held.* Present: Tehassi Hill, Maureen Perkins, Tani Thurner, Clorissa Santiago, Krystal John. No new updates.

**9/6/17 LOC:** Motion by Jennifer Webster to add Law Enforcement Ordinance Amendments – Conservation Officers to the active files list with Ernie Stevens III as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

**11/1/17 LOC:** Motion by Kirby Metoxen approve the 60-day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

**10/7/20 LOC:** Motion by Kirby Metoxen to add the Law Enforcement Ordinance Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

**12/09/21:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Kristal Hill, Rhiannon Metoxen, Clorissa Santiago, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to have the LOC review a first draft of amendments to the Oneida Law Enforcement Ordinance. For purposes of efficiency, amendments to the Ordinance should be developed and adopted simultaneous with the ONGO amendments; specifically, as they relate to the transition of the Security Department (as set forth in ONGO) from under the Oneida Police Department to under a Public Safety Commission, which will be created through re-establishment of the Oneida Police Commission via amendments to this Ordinance. The next step is for the drafting attorney to meet with the heads of the Police Department and Conservation Department to discuss the aforementioned transition.

- 12/15/21:** *Work Meeting.* Present: David Jordan, Marie Summers, Daniel Guzman-King, Jennifer Webster, Kristal Hill, Clorissa Santiago, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss the meeting scheduled for December 21, 2021 with the heads of the Oneida Police Department and Conservation Department to discuss the transition of the Conservation Department from under the Police Department to under a re-established Oneida Police Commission to be renamed the Public Safety Commission.
- 12/21/21:** *Work Meeting.* Present: David Jordan, Marie Summers, Daniel Guzman-King, Joel Maxam, Eric Boulanger, Shad Webster, Terry Metoxen, Nicole Rommel, Kristal Hill, Rhiannon Metoxen, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss amendments to the Oneida Law Enforcement Ordinance as they relate to the oversight of the Conservation Department. The next step is for the Police Department and Conservation Department to forward their policies/ protocols to the LRO so that it may review them in anticipation of discussing the issue in more depth with the LOC.
- 1/28/22:** *Work Meeting.* Present: Richard VanBoxtel, Jeanette Ninham, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to hear from members of the Oneida Police Commission in regards to the proposal to reorganize the Commission, as well as the Conservation Department, in a manner that better suits the Nation and its members.
- 6/23/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Summers, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to clarify some drafting questions to provide greater direction as to the drafting of potential amendments to the Law.
- 7/6/22:** *Work Meeting.* Present: Kirby Metoxen, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Kristal Hill, Eric Boulanger, Joel Maxam. Terry Metoxen, Kelly McAndrews. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to begin discussing potential amendments to the Law.
- 8/3/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Kristal Hill, Rhiannon Metoxen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss an e-mail received from Attorney Kelly McAndrews providing that the Oneida Law Office and Oneida Police Department no longer support the creation of a Public Safety Commission that would oversee the Security Department in addition to the Police Department.
- 9/19/22:** *Work Meeting.* Present: Kirby Metoxen, Marie Summers, Daniel Guzman King, Jennifer Webster, Clorissa N. Santiago, Carolyn Salutz, Kristal Hill, Eric Boulanger, Joel Maxam, Richard VanBoxtel, Kelly McAndrews, Katsitsiyo Danforth. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss a memorandum from OPD, Law Office, and Security regarding some concerns with including Security within the Law Enforcement Ordinance, as well as additional areas within the Law Enforcement Ordinance that will need amending.
- 9/21/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Santiago, Carolyn Salutz, Rhiannon Metoxen, Grace Elliott. This was a work meeting held through Microsoft Teams. The purpose of the meeting

was to follow up on the September 19, 2022, work meeting and make a final determination as to whether to move forward with the development of the Public Safety Commission.

- 10/3/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Leeman, Carolyn Salutz, Grace Elliott, Kristal Hill, Katsitsiyo Danforth, Louise Cornelius. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss with the Gaming General Manager, Gaming maintaining some responsibilities over the Security Department even after it moves to under the Public Safety Commission.
- 10/4/23 LOC:** Motion by Jennifer Webster to add the Law Enforcement Ordinance Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.
- 3/6/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Joel Maxam, Brandon Vandehei, Maureen Perkins, Kristal Hill. The purpose of this work meeting was to review the Oneida Nation Law Enforcement Ordinance and discuss potential amendments.
- 3/28/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to discuss the removal of “sergeant” from section 301.5-3(d) of the law.
- 4/19/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Marlon Skenandore, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Joel Maxam, Brandon Vandehei, Dan Skenandore, Fawn Cottrell, Katsitsiyo Danforth, Maureen Perkins. The purpose of this work meeting was to review the updated draft of the proposed amendments to the Oneida Nation Law Enforcement Ordinance.
- 6/7/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Brandon Vandehei, Richard VanBoxtel, Katsitsiyo Danforth, Carolyn Salutz, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to review the updated draft of the proposed amendments to the Oneida Nation Law Enforcement Ordinance, and specifically obtain the input of the Oneida Police Commission.
- 7/26/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Clorissa Leeman, Maureen Perkins, Richard VanBoxtel, Eric Boulanger. The purpose of this work meeting was to review some final topics in the Oneida Law Enforcement Ordinance draft – particularly looking at section 301.6-4 so we can have some discussion on what responsibilities the Commission should have over the Department so it best reflects current practice.
- 9/4/24 LOC:** Motion by Jonas Hill to approve the draft of the proposed amendments to the Oneida Law Enforcement Ordinance and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried unanimously.
- 9/4/24:** *OBC Officers Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Lisa Liggins, Lisa Summers, Lawrence Barton, Danelle White, Tehassi Hill, Brandon Yellowbird-Stevens. Members of the LOC were called into the OBC Officers’ meeting to discuss the progress of the Oneida Law Enforcement Ordinance amendments and the future placement of the Internal Security Department. Some Officers expressed concern with placing the Internal Security Department under the future Oneida Public Safety and Security Commission and asked for

reconsideration of the idea to place the Internal Security Department under the Gaming General Manager. The LOC provided they would take this into consideration.

**9/4/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenadore, Clorissa Leeman, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Maureen Perkins, Fawn Billie. The purpose of this work session was to consider the request made from the OBC Officers. LOC decided to hold one more work session with the larger work group to consider the Officers' request for reconsideration of the placement of the Internal Security Department under the Gaming General Manager.

**10/8/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenadore, Clorissa Leeman, Eric Boulanger, Joel Maxam, Kristal Hill, Maureen Perkins, Reynold Danforth, Katsitsiyo Danforth, Mark Powless, Jeremy King, Fawn Cottrell, Michelle Braaten. The purpose of this work meeting was to have one final discussion on the placement of the Internal Security Department with the broader work team before the draft of the proposed amendments to the Oneida Law Enforcement Ordinance continues moving through the legislative process.

**10/9/24:** *Phone Call.* Present: Clorissa Leeman, Kelly McAndrews. The purpose of this phone call was to collect Attorney Kelly McAndrew's insight on the placement of the Internal Security Department, since she was unable to attend the work meeting yesterday.

**10/18/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to discuss the placement of the Internal Security Department after the information collected during our last work meeting.

**10/24/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Maureen Perkins, Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to discuss and make a decision as to where the Internal Security Department should be placed within the organization, and if any changes to the proposed amendments to the law need to be developed.

**1/15/25 LOC:** Motion by Jonas Hill to approve the updated draft and legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments; seconded by Marlon Skenadore. Motion carried unanimously.


**2/5/25 LOC:** Motion by Jonas Hill to approve the public meeting packet for the amendments to the Oneida Nation Law Enforcement Ordinance and forward to a public meeting to be held on March 14, 2025; seconded by Marlon Skenadore. Motion carried unanimously.

**3/14/25:** *Public Meeting Held.* Present: Marlon Skenadore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Jason King, Katsitsiyo Danforth, Kimberly Skenadore Goodrich, Kristal Hill, Hon. Patricia Hoeft, Shannon Stone, Stephanie Smith, Brittany Smith, Sky Gonzalez, Mary Ann Peters. One (1) person provided oral comments during this public meeting.

**3/21/25:** *Public Comment Period Closed.* No individuals provided written comments during this public comment period.

### **Next Steps:**

- Accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration.

TO: Legislative Operating Committee (LOC)  
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney   
 DATE: April 2, 2025  
 RE: Oneida Nation Law Enforcement Ordinance Amendments: Public Comment Review

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On March 14, 2025, a public meeting was held regarding the proposed amendments to the Oneida Nation Law Enforcement Ordinance. One (1) person made oral comments during the public meeting. The public comment period was then held open until March 21, 2025. No submissions of written comments were received during the public comment period. This memorandum is submitted as a review of the comments received during the public meeting. The public meeting draft and public meeting transcript are attached to this memorandum for review.

### Comment 1 – Clarification on Safety:

#### **301.6. Oneida Public Safety and Security Commission**

**301.6-1. Establishment.** There is hereby established an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

- (a) Oneida Police Department;
- (b) Internal Security Department; and
- (c) Any other safety operation department of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission.

**Shannon Stone (oral):** Hello, my name is Shannon Stone. I'm the Public Works Director, and the law that I'm inquiring about is the Oneida Public Safety and Security Commission law. The, the part that I was curious about is where it says that they will be overseeing all safety and security departments of the Nation. I'm not sure how that's being interpreted, because safety is such a broad topic. It could, is that intended to reach into the operations or is this primarily just for public safety?

...

But I did submit an e-mail awhile back, but I think my main concern is that public safety and safety within operations are really two (2) different areas of concern and they have different skill sets that would be involved in in those. Knowledge of the law with regard to the public and knowledge of law within a working environment are quite different. And so to have a, one and this is why we have OSHA and we have other labor boards and such within the federal government. And so I guess my concern would be that we define that a little bit more clearly. So that there's understanding, especially within the organization, how this oversight committee would impact the organization's operations. That would be my comment.



...

Um. Not at this time. You know, we we do have a Safety law in in I I think for for organizational purposes. Ah that safety law works pretty well for us, but I think that's what I would refer to for safety within the organization.

### ***Response***

The commenter suggests that section 301.6-1 of the proposed amendments to the Oneida Nation Law Enforcement Ordinance be better clarified to differentiate between “public safety” and “operational or occupational safety.”

The proposed amendments to the Oneida Nation Law Enforcement Ordinance establish an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation. [3 O.C. 301.6-1]. The Law then goes on to state that the Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services: Oneida Police Department; Internal Security Department; and any other ***safety operation department*** of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission. [3 O.C. 301.6-1(a)-(c)].

In an effort to clarify the application of section 301.6-1(c) of the Law, the following revision is recommended:

### **301.6. Oneida Public Safety and Security Commission**

301.6-1. *Establishment.* There is hereby established an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

- (a) Oneida Police Department;
- (b) Internal Security Department; and
- (c) Any **other department of the Nation that focuses its operation on public safety operation department of the Nation** as identified in the bylaws of the Oneida Public Safety and Security Commission.

### ***LOC Consideration***



**LEGISLATIVE OPERATING COMMITTEE  
PUBLIC MEETING  
Oneida Nation Law Enforcement Ordinance Amendments  
and  
Landlord Tenant Law Amendments**

Norbert Hill Center Business Committee Conference Room and Microsoft Teams

March 14, 2025

12:15 p.m.

**Present:** Marlon Skenadore, Clorissa Leeman, Grace Elliott

**Present on Microsoft Teams:** Carolyn Salutz, Jason King, Katsitsiyo Danforth, Kimberly Skenandore Goodrich, Kristal Hill, Hon. Patricia Hoeft, Shannon Stone, Stephanie Smith, Brittany Smith, Sky Gonzalez, Mary Ann Peters

**Marlon Skenadore:** Good Afternoon, the time is 12:15 p.m. and today's date is Friday, March 14, 2025. I will now call to order the public meeting for the proposed amendments to the Oneida Nation Law Enforcement Ordinance Amendments and the Landlord Tenant Law Amendments. The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting.

All persons who wish to present oral testimony in person need to register on the sign in sheet. Individuals who wish to present oral testimony on Microsoft Teams, please raise your hand and you will be called on. If you leave an email address on the sign in sheet we can ensure you receive a copy of the public comment review memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Friday, March 21, 2025.

In attendance from the LOC is myself. The LOC may impose a time limit for all speakers pursuant to section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of five (5) minutes per person. This time limit shall be applied equally to all persons.

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

We will now begin today's public meeting for the proposed amendments to both the Oneida Nation Law Enforcement Ordinance Amendments and the Landlord Tenant Law Amendments.

The purpose of the Oneida Nation Law Enforcement Ordinance is to regulate the conduct of the Nation's law enforcement personnel according to the highest professional standards. The Oneida Nation Law Enforcement Ordinance amendments:

- Change what positions in the Oneida Police Department are required to be held by enrolled members of the Nation.
- Allow for the sworn oath of a law enforcement officer to take place at a special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary, in addition to at a regular Oneida Business Committee meeting.
- Expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other safety operation department of the Nation, in addition to the Oneida Police Department.
- Revise the eligibility qualifications and responsibilities for Oneida Public Safety and Security Commission members.
- Update the disciplinary proceedings for law enforcement officers.
- And make other drafting change to the law.

The purpose of the Landlord-Tenant Law Amendments is to provide mechanisms for protecting the rights of the landlords and tenants on all land owned by the Nation or members of the Nation within the Reservation boundaries. The Landlord Tenant Law amendments will:

- Extend the application of the law to all landlords and tenants on land owned by the Nation or members of the Nations.
- Provide that when the Nation is acting in its capacity as the landlord, and the property has become untenable due to damage by fire, water or other casualty, or because of any condition hazardous to health, the Nation will provide the tenant with alternative housing if it is reasonably available.
- Extend the legal protections provided to a child of a tenant to any child of the household.
- Eliminate the Land Commission's rulemaking authority under the Landlord Tenant Law.
- Eliminate all rulemaking authority over applicant selection and the issuance of rental agreements.

Those who wish to speak, please raise your hand. Please state your name when making a comment and which law you are commenting on.

We currently don't have any hands up or anybody in the room. I got a hand up.

**Shannon Stone:** Hello, my name is Shannon Stone. I'm the Public Works Director, and the law that I'm inquiring about is the Oneida Public Safety and Security Commission law. The, the part that I was curious about is where it says that they will be overseeing all safety and security departments of the Nation. I'm not sure how that's being interpreted, because safety is such a broad topic. It could, is that intended to reach into the operations or is this primarily just for public safety?

**Marlon Skenandore:** Well, we usually don't answer questions. It's more or less the basing comments off the law that you see and that way we can take it into. So, I would advise to possibly look into some of the amendments that are being changed and then you still have time to written comments there, Shannon.

**Shannon Stone:** But I did submit an e-mail awhile back, but I think my main concern is that public safety and safety within operations are really two (2) different areas of concern and they have different skill sets that would be involved in in those. Knowledge of the law with regard to the public and knowledge of law within a working environment are quite different. And so to have a, one and this is why we have OSHA and we have other labor boards and such within the federal government. And so I guess my concern would be that we define that a little bit more clearly. So that there's understanding, especially within the organization, how this oversight committee would impact the organization's operations. That would be my comment.

**Marlon Skenandore:** Thank you for that, Shannon. You got any other points you'd like to bring up?

**Shannon Stone:** Um. Not at this time. You know, we we do have a Safety law in in I I think for for organizational purposes. Ah that safety law works pretty well for us, but I think that's what I would refer to for safety within the organization.

**Marlon Skenandore:** Okay. All right. Thank you for your comments. Anybody else online on teams that would like to comment on the two (2) laws that we have here? We're gonna wait a couple more minutes in case somebody shows up late or has a late comment online.

All right. We currently have nobody in person. I'm gonna make one last call here to anybody online that would like to comment on either one of these laws. Okay.

With being no more speakers, public meeting for the proposed amendments to the Oneida Nation Law Enforcement Ordinance amendments and the landlord Tenant Law amendments is now closed at 12:26 p.m. This is a last note, written comments may be submitted until close of business on Friday, March 21, 2025.

Thank you all for joining and you have a good, good weekend.

**-End of Meeting-**

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



**Title 3. Health and Public Safety – Chapter 301**  
~~**ONEIDA NATION LAW ENFORCEMENT ORDINANCE**~~  
**Shakotiye'nás Olihwáke**  
*The Matters of Those Who Protect Us*  
**LAW ENFORCEMENT**

#		
7	301.1-1 Purpose and Policy	301.7-1 Appointment of Law Enforcement Officers
8	301.2-1 Adoption, Amendment, Repeal	301.8-1 Promotion of Law Enforcement Officers
9	301.3-1 Definitions	301.9-1 Disciplinary Proceedings
10	301.4-1 General Principles	301.10-1 Administrative Leave
11	301.5-1 Oneida Police Department	301.11-1 Firearms Control
12	301.6-1 Oneida <del>Police</del> <u>Public Safety and Security</u> Commission	
13	#	
14	#	
15	#	

**301.1. Purpose and Policy**

301.1-1. Purpose.— The purpose of this ~~ordinance~~ law is to regulate the conduct of the ~~Oneida Tribe of Indians of Wisconsin~~ Nation's law enforcement personnel according to the highest professional standards.

301.1-2. Policy. It is the policy of the Nation to ensure that law enforcement personnel operate at the highest level of professional standards to ensure the safety and welfare of the community.

**301.2. Adoption, Amendment, Repeal**

301.2-1.— This law ~~is~~ was adopted by the Oneida Business Committee by ~~resolution BC Resolution~~ 10-10-01-C and amended by resolution BC-02-25-15-C; ~~and BC- - - -~~.

301.2-2.— This law may be amended ~~pursuant to the procedures set out in the Oneida Administrative Procedures Act~~ or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

301.2-3.— 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.

~~301.2-4.— All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.~~

301.2-4. 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.

301.2-5.— This ~~ordinance shall be known as~~ law is adopted under authority of the Constitution of the Oneida ~~Law Enforcement Ordinance~~ Nation.

**301.3. Definitions**

301.3-1.— This section shall govern the definitions of words ~~as~~ and phrases ~~as~~ used herein within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) ~~“Certified Law Enforcement Officer shall mean~~ law enforcement officer” means a sworn officer who meets all qualifications for law enforcement officer, including accepted professional training and experience, State of Wisconsin Certification or eligibility for Certification which includes but is not limited to, satisfactory background investigation, psychological evaluation, drug testing, and police firearms certification.

(b) ~~Police Supervisors are defined as~~ “Commissioner” shall mean a member of the Oneida Public Safety and Security Commission.

50 (c) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was  
51 established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later  
52 authorized to administer the judicial authorities and responsibilities of the Nation by  
53 Oneida General Tribal Council resolution GTC-03-19-17.

54 (d) “Nation” means the Oneida Nation.

55 (e) “Non-sworn personnel” means an individual employed with the Oneida Police  
56 Department that does not meet the qualifications for a certified law enforcement officers  
57 who hold the rank of Sergeant or above officer.

58 ~~(e) Non-sworn Personnel shall mean those persons who perform duties for the f) Oneida Police Department as directed by the Police Chief or designee.~~

59 ~~(d) Oneida Police~~ Public Safety and Security Commission shall refer to” means the entity  
60 made up of those individuals appointed by the Oneida Business Committee to ~~serve in the~~  
61 ~~capacity of insuring that community input is maintained~~ provide oversight regarding the  
62 activities and actions of public safety and security operations throughout the Reservation.

63 (g) “Police supervisor” means a law enforcement officer who holds the rank of Sergeant  
64 or above.

65 (h) “Reservation” means all land within the ~~Oneida Police Department by means of policy~~  
66 ~~review and enforcement~~ exterior boundaries of the Reservation of the Oneida Nation, as  
67 created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added  
68 thereto pursuant to federal law.

69 ~~(e) Commissioner shall mean a member of the Oneida Police Commission.~~

70 ~~(f) Oneida Tribe means the Oneida Tribe of Indians of Wisconsin.~~

71 ~~(g) Judiciary means the judicial system that was established by Oneida General Tribal~~  
72 ~~Council resolution GTC 01 07 13 B to administer the judicial authorities and~~  
73 ~~responsibilities of the Tribe.~~

74  
75  
76 **301.4. General Principles-**

77 301.4-1.— All law enforcement operations of the Nation shall be conducted in accordance with  
78 this law.

79 301.4-2. Law enforcement operations shall take place on and within ~~Oneida~~ the Reservation,  
80 unless:

81 (a) there is a potential that the safety and welfare of an individual is being compromised.  
82 ~~In addition;~~

83 (b) the law enforcement operations ~~may take place~~ occur pursuant to mutual aid agreements  
84 with local governments; or

85 ~~(c) the 301.4-2. — All law enforcement operations shall be conducted as set forth in~~  
86 ~~this ordinance~~ occur pursuant to any other jurisdictional exception.

87 301.4-3.— Law enforcement operations shall be used primarily for the purposes of providing law  
88 enforcement within the Oneida Community Nation and to supplement provide mutual assistance or  
89 aid to external law enforcement services offered by local governments within the Oneida  
90 Community community by powers set forth in section 301.4, of this law, Article IV section 1(f) of  
91 the Constitution and By-Laws of the Oneida ~~Tribe of Indians of Wisconsin~~ Nation, and as set forth  
92 in compacts and agreements authorized by the Oneida Business Committee or General Tribal  
93 Council.

94 301.4-4.— ~~The Oneida Tribe of Indians of Wisconsin~~ The Nation shall appoint and employ law  
95 enforcement personnel within its boundaries as it deems necessary for the purpose of detecting

96 and preventing crime and enforcing the laws ~~and ordinances~~ of the ~~Oneida Tribe~~Nation, in addition  
97 to protection of persons, property, and premises.

98 301.4-5.—~~The Oneida Police Department may, as authorized and delegated by this~~  
99 ~~Ordinance~~law and the Oneida Business Committee or General Tribal Council, enter into cross-  
100 deputization and other law enforcement agreements with other jurisdictions.

101 ~~301.4-6.—The Oneida Police Department may allow law enforcement use of service firearms in~~  
102 ~~order to protect life, liberty, property, land and premises, according to the usual and minimum~~  
103 ~~accepted law enforcement standards as determined by the Police Chief with approval of the Oneida~~  
104 ~~Police Commission. However, actual use of deadly force shall be allowed solely for the protection~~  
105 ~~of life or the prevention of grievous bodily harm.~~

106 ~~301.4-7.—A Police Commission is established by this Ordinance to provide oversight regarding~~  
107 ~~the activities and actions of the law enforcement operations to provide the greatest possible~~  
108 ~~professional services to the Oneida community and to allow for community input regarding those~~  
109 ~~law enforcement services through its representatives on the Police Commission. This entity is~~  
110 ~~created as an oversight body and does not involve decision making processes on day to day~~  
111 ~~activities of those law enforcement services.~~

### 112 113 **301.5. Oneida Police Department**

114 301.5-1.—~~There is hereby established an Oneida Police Department,~~ ~~to~~ which is delegated all  
115 law enforcement authority of the ~~Oneida Tribe~~Nation. ~~The Oneida Police Department may create~~  
116 ~~divisions of operation as may be deemed appropriate.~~

117 (a) ~~Oneida Police~~ Department Position Restrictions. All positions and appointments of  
118 the Oneida Police Department shall be subject to Indian preference in hiring, except that  
119 the following positions shall be held only by members of the Nation:

- 120 (1) ~~Police Chief.~~The;  
121 (2) Assistant Police Chief; and  
122 (3) Police Lieutenant.

123 301.5-2. Oneida Police Chief. ~~The Oneida Police~~ Department shall be headed by a Police Chief,  
124 appointed pursuant to ~~Section 6-5 of this Ordinance~~law.

125 (b) ~~The~~ The Police Chief shall have authority over departmental personnel and operations,  
126 subject to the ~~powers of the Oneida Police Commission set forth in Section 301.6-1 of this~~  
127 ~~Ordinance.~~

128 (c) ~~In addition to such divisions as are specified in this Ordinance the Oneida Police~~  
129 ~~Department may create divisions of operation as may be deemed appropriate.~~

130 (d) ~~The Police Chief or his/her designee shall have the right to exercise his/her police~~  
131 ~~authority to deputize and use the services and manpower of the Oneida~~ Public Safety and  
132 Security Department for emergencies, special events, and investigationsCommission.

133 ~~301.5-2.—Conservation Department. There~~ (b) Qualifications and Process for  
134 Appointment as Police Chief.

135 (1) The recruitment and hiring process for Police Chief shall be a Conservation  
136 Department which is a division of conducted by the Oneida Police Department.  
137 This division Public Safety and Security Commission, with assistance, as needed,  
138 by the Human Resources Department.

139 (2) No person shall be responsible for the protection accepted as a candidate or be  
140 eligible to serve as Police Chief who does not meet the following qualifications:

141 (A) Current certification in the State of Wisconsin as a law enforcement

142 officer or upon approval from the applicable State of ~~all fish resources,~~  
143 ~~wildlife resources, and the lands~~Wisconsin Standards Board;

144 (B) Member of the Nation;

145 (C) A minimum of five (5) years creditable service as a sworn law  
146 enforcement officer for a state, tribal, local, or federal government, with  
147 preference for:

148 (i) those who have at least an associate degree in police science,  
149 criminal justice or similar field, or a bachelor's degree in a related  
150 subject; and

151 (ii) those with successful supervisory experience;

152 (D) Current satisfactory background investigation completed by a law  
153 enforcement agency selected by the Oneida ~~Tribe~~Public Safety and Security  
154 Commission with results of the investigation reported directly to the Oneida  
155 Public Safety and Security Commission;

156 (E) Current satisfactory psychological examination report;

157 (F) Current satisfactory medical examination report;

158 (G) Current drug test with negative results for controlled substances; and

159 (H) Any other minimum requirement as provided for in the job description.

160 (3) Examinations, interviews, further selection criteria and other processes utilized  
161 in the hiring process of a Police Chief shall be at the discretion of the Oneida Public  
162 Safety and Security Commission,

163 (4) Upon accepting notification of retirement, resignation, or the removal of a  
164 current Police Chief, the Oneida Public Safety and Security Commission shall  
165 appoint an interim or acting Police Chief who shall serve in said capacity until the  
166 process for appointment of a new Police Chief can be completed.

167 301.5-3.— Law Enforcement Officers.

168 (a) ~~Law Enforcement Officer: Educational Requirements.~~ All persons ~~hired after February~~  
169 ~~1, 1993,~~ shall meet the following minimum education requirements within five (5) years  
170 of ~~the~~their hire date, ~~which are as follows:~~

171 (1) Possess a two (2) year associate degree from ~~a Wisconsin~~ an accredited  
172 vocational, technical, and/or adult education district ~~or its accredited equivalent~~  
173 ~~from another state;~~ or

174 (2) Possess documentation in the form of an official transcript showing a minimum  
175 of sixty (60) fully accredited college level credits. ~~Documentation will be required~~  
176 ~~in the form of an official transcript;~~ or

177 (3) Possess a bachelors degree from ~~a Wisconsin~~ accredited college or university  
178 ~~or its accredited equivalent.~~

179 (b) Conditional Employment. ~~Persons hired after February 1, 1993.~~ Any person who ~~are~~is  
180 not a certified law enforcement ~~officers~~officer at the time of hire, ~~are~~is considered a  
181 conditional ~~employees~~employee and ~~must~~shall attain the educational requirements as  
182 specified in section 301.5-3(a), within five (5) years of their date of hire.

183 (1) Conditional employees are not eligible for promotion.

184 (2) Law enforcement officers who fail to ~~meet~~attain the ~~specified~~educational  
185 requirements ~~in section B,~~within five (5) years of their date of hire shall be subject  
186 to immediate termination.

187 (c) Educational Requirement: ~~for~~ Police Supervisors. Upon enactment of this



188 ~~ordinance~~law, no law enforcement officer may be considered eligible for promotion to  
189 supervisor until the educational requirements of section 301.5-3(a) have been satisfied.  
190 Law enforcement officers promoted prior to the enactment of this ~~ordinance~~law are exempt  
191 from the educational requirements specified in section 301.5-3(a).

192 ~~(d) Oneida Police Department Position Restrictions/Exceptions. The following positions~~  
193 ~~shall be held only by members of the Oneida Tribe: Police Chief, Assistant Chief, Police~~  
194 ~~Lieutenant or Sergeant, Conservation Director, and Assistant Conservation Director. All~~  
195 ~~other positions and appointments shall be subject to the Indian Preference rules of the~~  
196 ~~Oneida Tribe.~~

197 301.5-4. ~~Liability Coverage. The Oneida Tribe~~To the extent the Federal Tort Claims Act  
198 coverage does not apply, the Nation shall provide professional liability insurance for all law  
199 enforcement officers ~~and Conservation Officers.~~

200 301.5-5. *Declaration of Additional Restrictions of Employees.* All personnel of the Oneida  
201 Police Department shall be bound by ~~Standard Operating Procedures~~standard operating procedures  
202 that are required as a result of the specific and unique needs of law enforcement.

203 301.5-6. *Law Enforcement Officers to Be Sworn.* All law enforcement officers shall be installed  
204 by sworn oath before the Oneida Business Committee ~~at a regular meeting~~during a regular or  
205 special Oneida Business Committee meeting, or at an alternative time and location as determined  
206 by the Oneida Business Committee Secretary.

207 (a) When taking an oath, the law enforcement officer shall appear in person to take their  
208 oath, except if granted permission by the Oneida Business Committee Secretary to appear  
209 through video conferencing, or through other telecommunications.

210 (b) If an oath is administered outside of an Oneida Business Committee meeting, a quorum  
211 of Oneida Business Committee members shall be present to witness the oath.

### 212 213 **301.6. — ~~Oneida Police~~Public Safety and Security Commission**

214 301.6-1. ~~Oneida Police Commission. Establishment.~~ Establishment. There is hereby established an Oneida  
215 ~~Police~~ Public Safety and Security Commission to provide oversight regarding the activities and  
216 actions of public safety and security operations throughout the Reservation to provide the greatest  
217 possible professional services to the Nation and to allow for community input regarding those  
218 public safety and security services through its representatives on the Oneida Public Safety and  
219 Security Commission. The Oneida Public Safety and Security Commission is an oversight body  
220 of the following departments of the Nation, but its oversight authority does not involve decision  
221 making processes on day-to-day activities of those public safety services:

222 (a) Oneida Police Department;

223 (b) Internal Security Department; and

224 (c) Any other safety operation department of the Nation as identified in the bylaws of the  
225 Oneida Public Safety and Security Commission.

226 301.6-2. *Appointment of Commissioners.* The Oneida Business Committee shall appoint five  
227 (5) members to the Oneida Public Safety and Security Commission for a term of five (5) years.  
228 Commissioners may serve more than one (1) term, but not more than three (3) consecutive terms.

229 301.6-3. *Commissioner Eligibility Qualifications.* In order to be eligible for membership on the  
230 Oneida Public Safety and Security Commission an individual shall:

231 (a) Be a member of the Nation;

232 (b) Be twenty-five (25) years of age or older;

233 (c) Have a background investigation result in none of the following:

234 (1) A felony conviction in the State of Wisconsin, or any conviction of a crime in  
235 another state that would be considered a felony conviction if the offense and  
236 adjudication occurred in the State of Wisconsin;

237 (2) A felony arrest which results in a misdemeanor conviction due to a plea  
238 arrangement;

239 (3) A conviction of any law violation that could bring discredit to the Oneida Public  
240 Safety and Security Commission; or

241 (4) Any pardon issued by the Nation or the governor of any State, for an offense  
242 specified in sections 301.6-4(c)(1)-(3), shall not deem a person as “exonerated” for  
243 the purposes of membership on the Oneida Public Safety and Security Commission;

244 (d) Not be employed with or terminated from the Oneida Police Department, Internal  
245 Security Department, or any other public safety operation overseen by the Oneida Public  
246 Safety and Security Commission;

247 301.6-4. Responsibilities in Regard to the Oneida Police Department. The Oneida Public Safety  
248 and Security Commission shall be responsible for and empowered to do the following in regard to  
249 the Oneida Police Department:

250 (a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.

251 (b) Approve all law enforcement officer appointments made by the Police Chief including  
252 the promotion of subordinates.

253 ~~(c) Adopt, modify, and repeal rules governing how lists of individuals, concluded to be~~  
254 ~~eligible for appointment to law enforcement officer and promotion, are established.~~

255 ~~(d) Approve competitive examinations used to judge suitability for appointment or~~  
256 ~~promotion of law enforcement officers.~~

257 ~~(e)~~ (c) Approve an eligibility list of individuals determined to be eligible for appointment  
258 as a law enforcement officer or promotion.

259 ~~(f) Suspend law enforcement officers or other appointed personnel of the Police~~  
260 ~~Department pending the filing and hearing of charges against them, subject to the~~  
261 ~~provisions of 301.10.~~

262 ~~(g) Initiate charges against law enforcement officers or other appointed personnel of the~~  
263 ~~Police Department.~~

264 ~~(h)~~ (d) Hear charges filed against law enforcement officers ~~or other appointed personnel~~  
265 of the Police Department, whether filed by the Oneida Public Safety and Security  
266 Commission or the Police Chief, make findings and determinations, and impose penalties,  
267 up to and including termination.

268 ~~(i)~~ (e) Hear appeals of disciplinary actions against any sworn law enforcement ~~personnel or~~  
269 ~~officers.~~

270 (1) The Oneida Public Safety and Security Commission shall not have authority  
271 over disciplinary actions of non-sworn personnel.

272 ~~(j)~~ (f) Adopt ~~rules~~ standard operating procedures governing the Oneida ~~Police~~ Public Safety  
273 and Security Commission’s management of its own activities.

274 301.6-5. Responsibilities in Regard to the Internal Security and Other Departments. The  
275 responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal  
276 Security Department or any other safety operation department of the Nation shall be provided for  
277 in the Oneida Public Safety and Security Commission bylaws.

278 301.6-6. Removal From Office. ~~(k) Review contracts, and forward to the Oneida~~  
279 ~~Business Committee for approval, concerning cross-deputization, dispatch function and~~

280 ~~mutual aid pacts which are made between the Oneida Police Department and a non-tribal~~  
281 ~~agency.~~

282 ~~(1) Approve Standard Operating Procedures of the Oneida Police Department.~~

283 A member of the Oneida Public Safety and Security Commission may have their appointment  
284 terminated by the Oneida Business Committee for:

285 ~~(a) Misconduct 301.6 2. ~~Appointment of Commissioners.~~ The Oneida Business~~  
286 ~~Committee shall appoint five members to the Oneida Police Commission for a term of five years.~~  
287 ~~Commissioners may serve more than one term, but not more than three consecutive terms.~~

288 ~~301.6 3. Commissioner Requirements and Qualifications. The following are membership~~  
289 ~~requirements for serving on the Oneida Police Commission:~~

290 ~~(a) Shall be a member of the Oneida Tribe.~~

291 ~~(b) Must be 25 years of age or older.~~

292 ~~(c) Satisfactory background investigation. The following would prohibit any person from~~  
293 ~~serving on the Oneida Police Commission:~~

294 ~~(1) A felony conviction in the State of Wisconsin, or any conviction of a crime in~~  
295 ~~another state that would be considered a felony conviction if the offense and~~  
296 ~~adjudication occurred in the State of Wisconsin.~~

297 ~~(2) A felony arrest which results in a misdemeanor conviction due to a plea~~  
298 ~~arrangement.~~

299 ~~(3) A conviction of any ordinance violation that could bring discredit to the~~  
300 ~~Commission.~~

301 ~~(4) Any pardon issued by the Oneida Tribe or the governor of any State, for an~~  
302 ~~offense specified in sections 301.6 3(e)(1)-(3), shall not deem a person as~~  
303 ~~“exonerated” for the purposes of membership on the Oneida Police Commission.~~

304 ~~(d) Must submit to drug testing prior to appointment and on an annual basis.~~

305 ~~(e) Must not be an employee of the Oneida Police Department~~

306 ~~(f) Shall attend applicable training.~~

307 ~~(g) Must be a person of known good standing in the community.~~

308 ~~301.6 4. Removal From Office. In addition to the Removal Law standards, a Commissioner may~~  
309 ~~be removed for:~~

310 ~~(a) Malfeasance in office;~~

311 ~~(b) Conduct which could jeopardize the reputation of the Oneida Tribe Nation, the Oneida~~  
312 ~~Police Public Safety and Security Commission, or the law enforcement public safety~~  
313 ~~system;~~

314 ~~(c) Any change in status which would place the Commissioner in conflict with the~~  
315 ~~qualifications specified in section 301.6-3(c) above; or~~

316 ~~(d) Violation of the confidentiality of closed hearings or any other information declared~~  
317 ~~“confidential” by the Oneida Police Commission.~~

318 ~~301.6 5. Qualifications Public Safety and Security Commission.~~

320 301. Process for 7. Appointment as Police Chief.

321 ~~(a) The recruitment and hiring process for Police Chief shall be conducted by the Oneida~~  
322 ~~Police Commission, with assistance, as needed, by the Human Resources Department.~~

323 ~~(b) No person shall be accepted as a candidate or be eligible to serve as Police Chief who~~  
324 ~~does not meet the following qualifications:~~

325 ~~(1) Current certification in the State of Wisconsin as a law enforcement officer or~~

326 ~~upon approval from State of Wisconsin Standards Board.~~

327 ~~(2) Member of the Oneida Tribe.~~

328 ~~(3) A minimum of five (5) years creditable service as a sworn law enforcement~~  
329 ~~officer for a state, tribal, local or federal government, with preference for (i) those~~  
330 ~~who have at least an associate degree in police science, criminal justice or similar~~  
331 ~~field, or a bachelor's degree in a related subject; and (ii) those with successful~~  
332 ~~supervisory experience.~~

333 ~~(4) Current satisfactory background investigation completed by the Security~~  
334 ~~Department or a law enforcement agency selected by the Oneida Police~~  
335 ~~Commission with results of the investigation reported directly to the Oneida Police~~  
336 ~~Commission.~~

337 ~~(5) Current satisfactory psychological examination report.~~

338 ~~(6) Current satisfactory medical examination report.~~

339 ~~(7) Current drug test with negative results for controlled substances.~~

340 ~~(c) Examinations, interviews, further selection criteria and other processes utilized in the~~  
341 ~~hiring process of a Police Chief shall be at the discretion of the Oneida Police Commission;~~

342 ~~(d) Upon accepting retirement notification or the resignation of a current Police Chief, the~~  
343 ~~Oneida Police Commission shall appoint an interim or acting Police Chief who shall serve~~  
344 ~~in said capacity until the process for appointment of a new chief can be completed.~~

### 345 346 **301.7. — Appointment of Law Enforcement Officers**

347 301.7-1.— *Job Task Analysis.* The Police Chief shall develop a ~~Job Task Analysis~~job task  
348 analysis (job description) for law enforcement officers and submit ~~the job task analysis~~ to the  
349 Oneida ~~Police~~Public Safety and Security Commission for approval.

350 301.7-2.— *Hiring Criteria.* Hiring criteria for law enforcement officers, shall be developed by  
351 the Oneida ~~Police~~Public Safety and Security Commission and implemented by the Police Chief;  
352 ~~and must.~~ The hiring criteria shall include, but ~~is not~~ be limited to, the following:

353 (a) ~~\_~~ educational requirements;

354 (b) ~~\_~~ satisfactory background investigation;

355 (c) ~~\_~~ psychological examination; and

356 (d) ~~\_~~ medical certification.

357 301.7-3.— *Hiring Process Outline.* ~~A Hiring Process Outline~~A hiring process outline shall be  
358 developed by ~~the~~ Oneida ~~Police~~Public Safety and Security Commission and implemented by the  
359 Police Chief. ~~The Hiring Process Outline will~~hiring process outline shall detail specific steps  
360 involved in the hiring process for law enforcement officers, and steps in the process involving  
361 scoring, rank scoring, or grading shall be specified, as well as passing grades or scores. ~~The Hiring~~  
362 ~~Process Outline~~hiring process outline shall include all pertinent steps involved in the hiring process  
363 including, but not limited to, the following:

364 (a) ~~\_~~ application process;

365 (b) ~~\_~~ application screening;

366 (c) ~~\_~~ written test procedures;

367 (d) ~~\_~~ oral interviews;

368 (e) ~~\_~~ physical agility testing;

369 (f) ~~\_~~ background investigation;

370 (g) ~~\_~~ conditional offer of employment; and

371 (h) ~~\_~~ psychological and medical testing.

372 301.7-4.— *Approval of Additional Law Enforcement Personnel.*

373 (a) The Police Chief shall make a request for the hiring of additional law enforcement  
374 personnel through the Human Resources Department processes.

375 (b) Upon receiving approval, the Police Chief shall make a formal request to the Human  
376 Resources Department for posting the position(s) available. The current ~~Job-Task~~  
377 ~~Analysis, Hiring Criteria~~ job task analysis, hiring criteria and ~~Hiring Process Outline~~ hiring  
378 process outline shall be submitted to the Human Resources Department by the Police Chief.

379 301.7-5.— *Process.* All phases of the hiring process shall be conducted in accordance with the  
380 ~~Hiring Process Outline~~ hiring process outline. Duties and responsibilities of persons involved in  
381 the process shall be specified in the outline.

382 301.7-6.— *Eligibility List.*

383 (a) Upon completion of all screening steps of the ~~Hiring Process Outline~~ hiring process  
384 outline, a list shall be compiled of all candidates based on cumulative scores earned by  
385 each applicant in all graded or scored steps of the current hiring process.

386 (b) Candidates shall be ranked in inverse numerical order, that is the candidate with the  
387 highest cumulative score is ranked “1”, the candidate with the second highest cumulative  
388 score is ranked “2”, etc.

389 (c) The list shall be reviewed and approved by the Oneida ~~Police~~ Public Safety and  
390 Security Commission and submitted to the Police Chief.

391 (d) The eligibility list will be valid for one (1) year from the date it was compiled.

392 (e) The order of appointment of applicants to the position of law enforcement officers  
393 shall follow the order of the eligibility list contingent upon satisfactory background  
394 investigation, psychological testing, and medical testing.

395 301.7-7.— *Commencement of Background Investigation.*

396 (a) Upon receiving the approved eligibility list, the Police Chief shall direct a subordinate  
397 to commence a background investigation upon candidates based on their numerical ranking  
398 on the eligibility list, starting with the top candidate.

399 (b) Results of the background investigation shall be forwarded to the Police Chief and the  
400 Oneida ~~Police~~ Public Safety and Security Commission.

401 (c) A candidate may be deemed as having an unsatisfactory background investigation  
402 report by either the Police Chief or the Oneida ~~Police~~ Public Safety and Security  
403 Commission, ~~such~~ Such determinations ~~to be~~ by the Police Chief of the Oneida Public Safety  
404 and Security Commission shall be made in writing.

405 301.7-8.— *Conditional Offer of Employment.* Provided a candidate has satisfactory results in a  
406 background investigation, an offer of employment shall be sent to the candidate. -The offer shall  
407 specify the candidate’s appointment to the position of law enforcement officer contingent upon  
408 satisfactory psychological and medical testing.

409 301.7-9.— *Appointment.* Provided a candidate has passed psychological and medical testing, a  
410 formal offer of employment shall be extended to the candidate by the Police Chief. -In the event  
411 the candidate lacks the minimum educational requirements as specified in Section 301.5-3(a), the  
412 contingency of employment shall be specified in the offer.

413  
414 **301.8.— *Promotion of Law Enforcement Officers***

415 301.8-1.— *Criteria for Promotion.* The Oneida ~~Police~~ Public Safety and Security Commission  
416 and the Police Chief shall establish specific criteria for the promotion of law enforcement officers.  
417 The criteria shall be placed on the -notice or position posting for the promotion.

4 18 301.8-2.— *Process*. The process for promotion shall be developed by the Police Chief and  
4 19 approved by the Oneida ~~Police~~Public Safety and Security Commission.— The specifics of the  
4 20 process shall be placed on the notice or position posting for said promotion.

4 21 301.8-3.— *Psychological Testing Required*.— All candidates for promotion shall undergo  
4 22 psychological testing and have a satisfactory report prior to promotion. —The results of such test  
4 23 shall be made available to the Police Chief and the Oneida ~~Police~~Public Safety and Security  
4 24 Commission ~~President~~chairperson.

4 25 301.8-4.— *Promotion*. Upon completion of all steps in the promotion process, a law enforcement  
4 26 officer may be promoted upon review and recommendation of Oneida ~~Police~~Public Safety and  
4 27 Security Commission to the Police Chief.

### 4 28 **301.9.— Disciplinary Proceedings: for Law Enforcement Officers.**

#### 4 29 301.9-1.— ~~*Purpose*~~

4 30 (a) ~~Disciplinary actions may be commenced against a law enforcement officer by the~~  
4 31 ~~Police Chief for violations of departmental Standard Operating Procedures or laws of the~~  
4 32 ~~Oneida Tribe or other government. Such actions are independent of and exempt from the~~  
4 33 ~~Oneida Blue Book. Discipline may range from a verbal warning to termination.~~

4 34 (b) ~~In serious matters, an internal investigation is conducted by the Oneida Police~~  
4 35 ~~Department and the law enforcement officer under investigation may be placed on~~  
4 36 ~~administrative leave pursuant to 301.10.~~

4 37 (c) ~~In order to insure due process to for law enforcement officers, an law enforcement~~  
4 38 ~~officer has the right to appeal a disciplinary action to the Oneida Police Commission.~~

4 39 (d) shall be governed by this provision of the Law. ~~Disciplinary actions may be ordered~~  
4 40 ~~by the Police Chief. The officer may appeal a disciplinary action to the Oneida Police~~  
4 41 ~~Commission. Upon filing of an appeal, the Police Chief shall submit formal charges~~  
4 42 ~~against the officer to the Oneida Police Commission.~~

4 43 (e) ~~Any citizen may file charges or a complaint against an officer with the Police Chief.~~  
4 44 ~~The Oneida Police Commission can proceed with a hearing after an investigation by the~~  
4 45 ~~Police Chief.~~

4 46 (f) ——— ~~If a citizen wishes to file a complaint with the Oneida Police Commission, the Oneida~~  
4 47 ~~Police Commission will refer the complaint to the Police Chief to begin an investigation. Upon~~  
4 48 ~~completion of the investigation the Police Chief of non-sworn personnel of the Oneida Police~~  
4 49 ~~Department shall submit his written report to the Commission be governed by the Nation's laws,~~  
4 50 ~~policies, and rules governing employment.~~

4 51 301.9-2.— ~~Commencement of Disciplinary Hearings. A request for an appeal of a decision of the~~  
4 52 ~~Police Chief must be submitted in writing to the Oneida Police Commission within 30 calendar~~  
4 53 ~~days.~~

4 54 (a) ~~If the request is by a law enforcement officer or a citizen against a law enforcement~~  
4 55 ~~officer, the President must without delay, notify the Police Chief that a hearing has been~~  
4 56 ~~requested.~~

4 57 (b) ~~The Oneida Police Commission must meet within ten calendar days and set a hearing~~  
4 58 ~~date.~~

4 59 (c) ~~The Oneida Police Commission has the right to extend hearing dates for Just Cause~~  
4 60 ~~Standard. Just cause.~~

4 61 301.9-3.— ~~Rights and Responsibilities of the Oneida Police Commission at Hearings.~~

4 62 (a) ~~The Oneida Police Commission shall have legal counsel and a court reporter present at~~  
4 63

4 64 ~~all formal proceedings.~~

4 65 ~~(b) The Oneida Police Commission has the authority to subpoena witnesses.~~

4 66 ~~(c) Hearing procedures that may be unique to a particular hearing shall be established prior~~  
4 67 ~~to the hearing.~~

4 68 ~~(d) Disciplinary hearings shall be open, except where:~~

4 69 ~~(1) the person subject to discipline requests in writing that the hearing be closed;~~  
4 70 ~~or~~

4 71 ~~(2) the Police Chief requests in writing that the hearing be closed and indicates that~~  
4 72 ~~confidential police matters are involved.~~

4 73 ~~(e) Commissioners shall not discuss the disciplinary matter with anyone outside the~~  
4 74 ~~Commission until the hearing is completed and a decision is filed.~~

4 75 ~~301.9 4. Rights of the Accused Law Enforcement Officer at Hearings.~~

4 76 ~~(a) Notice of charges that have been made, or will be made, as well as actions that will or~~  
4 77 ~~may be taken against the individual.~~

4 78 ~~(b) The right to a hearing to respond to the charges.~~

4 79 ~~(c) The right to representation at the individual's expense.~~

4 80 ~~(d) The right to confront and cross-examine his/her accusers.~~

4 81 ~~(e) The right to present evidence and argue his/her view of the facts.~~

4 82 ~~301.9 5. Pre-Hearing Conference.~~

4 83 ~~(a) A pre-hearing conference shall be scheduled at least five (5) working days before the~~  
4 84 ~~hearing. The law enforcement officer and the complainant shall be notified in writing of~~  
4 85 ~~the pre-hearing conference and both may be represented.~~

4 86 ~~(b) The is determined using the following matters shall be accomplished at the conference.~~

4 87 ~~(1) Witness lists and any prior written or recorded statements or reports of~~  
4 88 ~~witnesses will be exchanged between the parties or their representatives.~~

4 89 ~~(2) Exhibit lists will also be exchanged between the parties or their representatives,~~  
4 90 ~~and each party and/or their representative shall be permitted to physically inspect~~  
4 91 ~~all exhibits of the other party.~~

4 92 ~~(3) Witnesses or exhibits not on the pre-hearing conference lists may not be~~  
4 93 ~~introduced at the hearing unless the Oneida Police Commission determines that the~~  
4 94 ~~party or their representative can demonstrate a satisfactory reason for the inclusion~~  
4 95 ~~of such witness or exhibit on the list(s) submitted at the pre-hearing conference.~~

4 96 ~~(4) In the absence of the party or representative at the pre-hearing conference, the~~  
4 97 ~~Oneida Police Commission shall dismiss the charges unless the party or~~  
4 98 ~~representative can demonstrate a satisfactory reason for non-appearance.~~

4 99 ~~301.9 6. Hearing Procedure.~~

5 00 ~~(a) ——— The nature of a law enforcement agency requires the highest level of public trust, As a~~  
5 01 ~~result, hearings will be open to the public to allow the public to be reassured that hearings are~~  
5 02 ~~conducted under the highest standards of objectiveness and reason, to the extent possible:~~

5 03 ~~(b) The President of the Oneida Police Commission has the duties of:~~

5 04 ~~(1) Presiding over the hearing.~~

5 05 ~~(2) Maintaining order.~~

5 06 ~~(3) Insuring that the hearing is fair and impartial.~~

5 07 ~~(c) The President may elect to use an attorney or experienced hearing examiner to assist in~~  
5 08 ~~conducting the hearing.~~

5 09 ~~(d) Order of Business.~~

- ~~(1) The President calls the meeting to order and:~~  
~~(A) Explains that the Oneida Police Commission is not an investigative body.~~  
~~(B) Describes the hearing as a formal inquiry into the facts of the matter in front of them as an original hearing body.~~  
~~(2) The President reads the charges, as filed with the Oneida Police Commission, and cites the rule(s) and/or policy(s) that were alleged to be violated.~~  
~~(3) Testimony begins with the person(s) who filed the charges:~~  
~~(A) Witnesses, evidence, documents, and other related reports will be submitted by the Police Chief or complainant.~~  
~~(B) Witnesses testify under oath which can be administered by the President or any other Commissioner.~~  
~~(C) Any Commissioner may ask questions but they must be relevant to the issues at hand. It is the President's responsibility to insure that the questions are germane.~~  
~~(D) The law enforcement officer or representative may challenge the testimony or evidence presented.~~  
~~(4) The law enforcement officer or representative is given an opportunity to present facts, introduce evidence, and call witnesses to prove:~~  
~~(A) That the law enforcement officer was wrongly charged.~~  
~~(B) The penalty is not appropriate for the violation.~~  
~~(5) The complainant may challenge any testimony offered by the accused.~~  
~~(6) Both sides are allowed to present closing summaries of their position.~~  
~~(7) The President then adjourns the hearing.~~  
~~(8) The Oneida Police Commission retires to executive session to deliberate upon the matter.~~

~~301.9 7. — Just Cause Standard Applied to Commission Deliberations. The Commissioners shall base their decisions regarding a disciplinary action upon the "just cause" standard.~~

- ~~(a) (a) Whether the law enforcement officer could reasonably be expected to have had knowledge of the probable consequences of the alleged misconduct.~~  
~~(b) Whether the procedure the law enforcement officer allegedly violated is reasonable.~~  
~~(c) Whether the Police Chief, before filing charges against the law enforcement officer, made a reasonable effort to discover whether the law enforcement officer did, in fact, violate a procedure.~~  
~~(d) Whether the investigation was fair and objective.~~  
~~(e) Whether the Police Chief discovered substantial evidence that the law enforcement officer violated the procedure as described in the charges filed against the law enforcement officer.~~  
~~(f) Whether the Police Chief is applying the rule or order fairly and without discrimination against the law enforcement officer.~~  
~~(g) Whether the proposed discipline is reasonable as it relates to the seriousness of the alleged violation and to the law enforcement officer's record of service with the Oneida Police Department.~~

~~301.9 8. — Commission Actions.~~

- ~~(a) The Oneida Police Commission may on appeals, review a disciplinary action taken by the Police Chief, and:~~



~~(1) Approve the action taken by the Police Chief without change.~~

301.9-3. *Discipline of Employees by the Chief of Police.* The Chief of Police may reprimand or suspend a law enforcement officer for just cause without prior approval of the Oneida Public Safety and Security Commission. The Chief of Police shall report this action to the chairperson of the Oneida Public Safety and Security Commission immediately in writing and explain the cause(s) of the action. A law enforcement officer shall not be entitled to a hearing on the suspension unless the subordinate requests that the Police Chief file charges, which then triggers the hearing process.

(a) For any reductions in rank or terminations of a law enforcement officer, the Police Chief shall first file charges with the Oneida Public Safety and Security Commission.

301.9-4. *Discipline of the Chief of Police.* The Oneida Public Safety and Security Commission has the sole authority to suspend or terminate the Chief of Police, for cause, upon its own initiative. It may suspend the Chief of Police pending the investigation of written charges received.

301.9-5. *Right to Request Hearing.* If a law enforcement officer against whom a disciplinary action of suspension, demotion, or termination has been taken requests a hearing on the matter, the Oneida Public Safety and Security Commission shall proceed with such a hearing. Charges shall then be filed with the Oneida Public Safety and Security Commission by the party initially taking the disciplinary action.

301.9-6. *Filing of Charges.*

(a) *Standing to File Charges.* Charges may be filed with the Oneida Public Safety and Security Commission by:

(1) the Chief of Police;

~~(2) Dismiss or modify~~ a member of the Oneida Public Safety and Security Commission;

(3) the Oneida Public Safety and Security Commission as a body; or

(4) any aggrieved party.

(b) *Content of Charges.* The charges shall be in writing and shall be signed by the charging party. The sources of all information contained in the charges shall be stated in the charges or in accompanying documents. Information regarding the names and addresses of witnesses having relevant knowledge relating to the charges may be embodied in a separate statement accompanying the charges. The charges shall identify the person who is charged and specify, if possible, the date(s) and place(s) of the alleged offense(s).

(c) *Filing of Charges.* The charges shall be filed with the chairperson of the Oneida Public Safety and Security Commission. Pending disposition of such charges, the Oneida Public Safety and Security Commission or Police Chief may suspend the employee.

(d) *Service of Charges.* Following service upon the Oneida Public Safety and Security Commission chairperson, a copy of the charge(s) ~~made by the Police Chief~~ shall be served upon the person charged. A copy of the charge shall be issued to the person charged within five (5) business days after charges are sent to the Commission.

301.9-7. *Procedure for Responding to Charges.*

(a) *Participation of the Commission.* If the Oneida Public Safety and Security Commission as a body files charges, it shall retain special counsel to prosecute such charges on the Commission's behalf and the Oneida Public Safety and Security Commission shall refrain from any active involvement in the prosecution of such charges. If any member of the Oneida Public Safety and Security Commission files and actively prosecutes such charges, such member shall not participate in deliberating the charges or determining whether they are sustained.

602 (b) *Docket List.* All charges filed with the Oneida Public Safety and Security Commission  
603 shall be recorded on a docket list and assigned a number in sequence of filing with the date  
604 of filing added in parentheses.

605 (c) *Preliminary Investigation.* Upon the filing of charges, the Oneida Public Safety and  
606 Security Commission may have a preliminary investigation conducted to determine if it  
607 has jurisdiction in the matter. If the Oneida Public Safety and Security Commission judges  
608 that it does not have jurisdiction over the charges, it may dismiss the charges. In the event  
609 of such dismissal, the Oneida Public Safety and Security Commission shall notify the  
610 complainant in writing of its action.

611 (d) *Scheduling of Hearing.* Following the filing of charges or a request for a hearing, a  
612 copy of the charges shall be served upon the person charged. The Oneida Public Safety and  
613 Security Commission shall set a date for a hearing not less than ten (10) days or more than  
614 thirty (30) days following receipt of the charges. This timeframe may be waived if mutually  
615 agreed.

616 301.9-8.(3) — Modify any penalty imposed by the Police Chief.

617 (4) Void the action taken by the Police Chief.

618 ~~(b) — The Oneida Police Commission *Scheduling Conference.*~~

619 (a) *Scheduling Conference.* A scheduling conference between the parties and/or their legal  
620 counsel is appropriate to establish the procedural timeline leading up to, and the process  
621 for, the evidentiary hearing.

622 (b) *Purpose of the Scheduling Conference.* The following matters shall be accomplished  
623 at the scheduling conference, and the resolution of these issues shall be memorialized in a  
624 scheduling order distributed to the parties:

625 (1) Establishing the date(s) of the evidentiary hearing;

626 (2) Setting up deadlines to exchange witness lists and any prior written or recorded  
627 statements or reports of witnesses;

628 (3) Setting up deadlines to identify and exchange exhibits;

629 (4) Setting up any discovery deadline. Prehearing discovery is permitted.

630 (5) Establishing the process and deadlines to request the Oneida Public Safety and  
631 Security Commission to issue subpoenas. The Oneida Public Safety and Security  
632 Commission chairperson has the power to issue subpoenas to compel the attendance  
633 of witnesses;

634 (6) Arranging for the recording of the testimony. The hearing shall be transcribed  
635 by a court reporter or otherwise recorded to preserve the evidence in case of an  
636 appeal to the Trial Court; and

637 (7) Determining if there are any objections to any Oneida Public Safety and  
638 Security Commission member participating in the hearing, deliberations, or  
639 decision and the basis for such objections.

640 301.9-9. *Evidentiary Hearing.*

641 (a) *Hearing Procedures.*

642 (1) The evidentiary hearing shall be conducted in open session.

643 (2) Following the evidentiary hearing, the deliberations of the Oneida Public Safety  
644 and Security Commission may be conducted in closed session at the discretion of  
645 the Commission.

646 (3) The Commission's vote following deliberations may take place in closed  
647 session, unless the charged party demands that the vote take place in open session.

648 (4) A record of the proceedings shall be created by the Commission. Exhibits  
649 introduced shall be marked with a docket number and exhibit number in sequence  
650 of introduction.

651 (5) Either or both of the parties may be represented by counsel and may compel  
652 the attendance of the witnesses by subpoenas, which shall be issued by the  
653 chairperson of the Commission.

654 (6) All testimony of witnesses at hearings shall be given under oath, administered  
655 by a member of the Commission.

656 (b) Order of Proceedings. At the hearing, the order of proceedings shall be as follows:

657 (1) Reading of the charges by the president.

658 (2) Opening statement by the parties, if any;

659 (3) Testimony and introduction of evidence by the charging party to substantiate  
660 the charges, with cross-examination by the accused;

661 (4) Testimony and introduction of evidence by the accused with cross-examination  
662 by the charging party; and

663 (5) Closing arguments.

664 301.9-10. Deliberations, Findings, Conclusions, Orders from Hearing.

665 (a) Finding of Fact.

666 (1) At the conclusion of the hearing, the Oneida Public Safety and Security  
667 Commission shall prepare written findings of fact based upon the testimony and  
668 evidence presented and shall prepare conclusions which are based on the findings  
669 and an order consistent with such findings and conclusions within three (3) days  
670 after the conclusion of the hearing and file it with the Oneida Public Safety and  
671 Security Commission Secretary.

672 (2) For purposes of deliberation after the hearing, the Oneida Public Safety and  
673 Security Commission shall adjourn into closed session. During the deliberation  
674 only Oneida Public Safety and Security Commission members and the  
675 commission's attorney shall be present.

676 (b) Just Cause Standard. In determining whether there is just cause for discipline, the  
677 Oneida Public Safety and Security Commission shall apply the standards set forth in  
678 section 301.9-2.

679 (c) Charges Rescinded. If the Oneida Public Safety and Security Commission determines  
680 that the charges are not sustained, the charged party shall immediately have all related  
681 disciplinary action taken to date rescinded and all lost pay or other benefits, if any, restored.

682 (d) Charges Sustained. If the Oneida Public Safety and Security Commission determines  
683 that the charges are sustained, the charged party, by order of the Commission, may impose  
684 any of the following penalties, but is not limited to the penalties listed herein:

685 (1) —\_ Verbal consultation;

686 (2) —\_ Written reprimand;

687 (3) —\_ Suspension without pay;

688 (4) —\_ Demotion in rank; or

689 (5) —\_ Termination of employment.

690 (e) ~~e~~ Announcement of Decision. The Oneida ~~Police Commission's findings shall be in~~  
691 writing ~~Public Safety~~ and ~~include:~~

692 (1) ~~A statement of all charges filed.~~

693 (2) ~~The specific rule(s), policy(s), or standard(s) of conduct violated.~~

694 ~~(3) A list of charges that the Oneida Police~~Security Commission ~~found were proven~~shall  
695 announce its decision in open session.

696 ~~(4) A summary of the disciplinary actions considered~~(f) Appeal of Decision. Any  
697 law enforcement officer suspended, demoted, reassigned, or removed by the  
698 Oneida ~~Police Commission.~~

699 ~~(5) The disciplinary action ordered by the Oneida Police Commission~~Public Safety  
700 and any special actions attached to the approved disciplinary action.

701 ~~(d) In acting on a complaint including a request for termination of employment, filed with~~  
702 ~~the Oneida Police Commission, the Oneida Police~~Security Commission may:

703 ~~(1) Dismiss~~ appeal from the complaint.

704 ~~(2) Dismiss or modify certain charges filed.~~

705 ~~(3) Conclude that~~order of the ~~testimony~~Oneida Public Safety and ~~evidence sustain~~  
706 ~~the charges and impose a penalty.~~

707 ~~(4) Allow the Oneida Police Commission the power to hire an outside agency to~~  
708 ~~conduct the investigation of allegations against the Police Chief.~~

709 ~~301.9.9. Appeals of Commission Findings. Appeals of Oneida Police Commission's~~  
710 ~~ruling shall be made~~ Security Commission to the Judiciary.

711  
712 **301.10. — Administrative Leave: of Law Enforcement Officers.—**

713 301.10-1.— *General.* Administrative leave is an action commenced by the Police Chief affecting  
714 the status of a law enforcement officer. -A law enforcement officer is temporarily relieved of all  
715 law enforcement powers while on administrative leave. -The law enforcement officer continues to  
716 receive salary and is responsible to report to the Police Chief or perform other duties as assigned.  
717 Administrative leave does not denote wrong-doing on the part of the law enforcement officer.

718 301.10-2.— *Applicability.* Administrative leave may only be ordered in the following  
719 circumstances:

720 (a) The law enforcement officer poses a threat to themselves or others.

721 (b) The law enforcement officer is alleged to have committed a violation(s) which calls  
722 for termination of ~~his or her~~their employment as a law enforcement officer and the matter  
723 is under investigation.

724 (c) The law enforcement officer is alleged to have committed a violation(s) that is under  
725 investigation and that would cause a loss of public trust in the Oneida Police Department.

726 (d) The law enforcement officer is under investigation for alcohol or drug abuse.

727 (e) The law enforcement officer is under investigation for insubordination, untruthfulness,  
728 or commission of a crime.

729 (f) The law enforcement officer demonstrates behavior indicating the law enforcement  
730 officer is unfit for duty.

731 301.10-3.— *Duration of Administrative Leave.*

732 (a) In cases where the law enforcement officer is under formal investigation, the law  
733 enforcement officer ~~will~~shall remain on administrative leave until the investigation is  
734 completed.

735 (1) If the investigation results in allegations being sustained, the law enforcement  
736 officer ~~will~~shall remain on administrative leave pending issuance of discipline.

737 (2) If the investigation results in a finding that the charges were unfounded or not  
738 sustained, the law enforcement officer shall be immediately returned to active duty  
739 status.

740 (b) In cases where the law enforcement officer is placed on administrative leave for other  
741 matters not involving formal investigation, the law enforcement officer shall be returned  
742 to active duty status upon order of the Police Chief. -The period of administrative leave in  
743 incidents not involving investigation shall not exceed thirty ~~working~~(30) calendar days.  
744

745 **301.11. — Firearms Control.**

746 ~~301.11-1. The Oneida Tribe~~301.11-1. The Oneida Police Department may allow law  
747 enforcement use of service firearms in order to protect life, liberty, property, land, and premises,  
748 according to the usual and current accepted law enforcement standards.

749 301.11-2. The Nation hereby establishes regulations for the carrying of firearms issued to certified  
750 law enforcement officers employed by the ~~Oneida Tribe~~Nation.

751 (a) The needs and requirements for carrying firearms shall be established and determined  
752 by the Police Chief subject to the review of the Oneida ~~Police~~Public Safety and Security  
753 Commission.

754 (b) Said requirements shall reflect the needs of the ~~Oneida Tribe~~Nation in order to protect  
755 all persons and property.  
756

757 *End.*  
758

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760  
761 Adopted - BC -10-10-01-C  
762 Revisor Correction 2004  
763 Amended – BC-02-25-15-C  
764 Amended – BC- - - -

# Legislative Operating Committee



## Agenda Request Form

- 1) Request Date: April 2, 2025
- 2) Contact Person(s): Larry Barton Dept: OBC  
 Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: Resubmission of Chapter 11 GTC Mtg. Stipend Payment Policy & Chapter 10GWE
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee  
LOC consideration of making this item high priority on the LOC Active File List  


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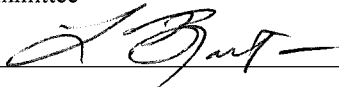
List any supporting materials included and submitted with the Agenda Request Form

- 1) Resubmission of April 3, 2024 LOC Submission Items
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

- 5) Please List any laws, ordinances or resolution that might be affected:  
Beneficial Amendments to: Chapter 11 GTC Meeting Stipend Payment Policy; Chapter 10 GWE
- 6) Please List all other departments or person(s) you have brought your concern to:  


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- 7) Do you consider this request urgent?  Yes  No  
 If yes, please indicate why: Hundreds of thousands of dollars of tax liability.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: 


*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
*or*  
**Legislative Operating Committee (LOC)**  
 P.O. Box 365  
 Oneida, WI 54155  
 Phone 920-869-4376



## Memorandum

To: Legislative Operating Committee

From: Larry Barton, Treasurer 

Date: March 19, 2025

Re: Resubmission of: Chapter 11 GTC Meeting Stipend Payment Policy  
and Chapter 10 GWE

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I am resubmitting Chapter 11 GTC Meeting Stipend Policy and Chapter 10 GWE for consideration of this item being high priority on the Legislative Operating Committee's Active File List.

Thank you.

Attachment:

April 3, 2024 Chapter 11 GTC Meeting Stipend Payment Policy and Chapter 10 GWE support document

**Title 10. General Welfare Exclusion - Chapter 1001**  
**ONEIDA GENERAL WELFARE**

1001.1. Purpose and Policy  
 1001.2. Adoption, Amendment, Repeal  
 1001.3. Definitions  
 1001.4. General Welfare Assistance  
 1001.5. Approved Program Guidelines

1001.6. Non-Recourse Designation  
 1001.7. Governing Law; Sovereignty  
 1001.8. Federal Trust Obligations

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**1001.1. Purpose and Policy**

1001.1-1. *Purpose.* The purpose of this law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion.

(a) The federal government through the Tribal General Welfare Exclusion Act of 2014, codified at 26 U.S.C §139E and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its members under certain circumstances on a non-taxable basis.

1001.1-2. *Policy.* It is the policy of the Nation to provide assistance to members through approved programs that promote the general welfare of the Nation. This law provides a framework for approved programs to follow to ensure compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35. Further, it is the intent of the Oneida Business Committee that all assistance provided under this law:

- (a) is available to any recipients who satisfy the program policies, subject to budgetary restraints;
- (b) is made under an approved program that does not discriminate in favor of members of the Nation's governing body;
- (c) is not provided as compensation for goods or services; and
- (d) is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

**1001.2. Adoption, Amendment, Repeal**

1001.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-08-21-A.

1001.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1001.2-3. 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.

1001.2-4. 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.

1001.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**1001.3. Definitions**

1001.3-1. 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) "Approved program" means any program(s) to provide general welfare assistance that is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution



or law of the Nation.

(b) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a recipient pursuant to this law. Assistance provided under an approved program shall not be considered income of the recipient.

(c) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business Committee in its discretion and based on the circumstances, taking into account needs unique to the Nation as well as the social purpose being served by the particular assistance at hand, except as otherwise may be required for compliance with final guidance issued under 26 U.S.C. §139E following consultation between the Nation and the federal government.

(d) "Limited term" means a defined start and end date, or utilizes third-party funding and is not intended to be permanent.

(e) "Member" means an individual who is an enrolled member of the Nation.

(f) "Nation" means the Oneida Nation.

(g) "Recipient" means any member entitled to receive assistance in accordance with approved program requirements.

#### **1001.4. General Welfare Assistance**

1001.4-1. *General.* The Nation may provide general welfare assistance to eligible members on a non-taxable basis pursuant to the principles of General Welfare Exclusion. The federal government recognizes that benefits to recipients under an approved program for the promotion of the general welfare of the Nation is excludable from the gross income of those recipients. General Welfare Exclusion provides that any assistance shall be treated as non-taxable under federal law so long as it:

- (a) satisfies the requirements for exclusion under 26 U.S.C. §139E;
- (b) is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations; or
- (c) meets the criteria of the General Test under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1).

1001.4-2. *General Test.* The General Test provides criteria used to determine if any assistance provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:

- (a) The assistance is paid on behalf of the Nation;
- (b) The assistance was provided pursuant to an approved program;
- (c) The assistance does not discriminate in favor of members of the governing body of the Nation;
- (d) The assistance is available to any member who meets the guidelines of the approved program;
- (e) The assistance is provided for the promotion of general welfare;
- (f) The assistance is not lavish or extravagant;
- (g) The assistance is not compensation for services; and
- (h) The assistance is not a per capita payment.

1001.4-3. *Approved Programs.* Any assistance provided by the Nation under the General Welfare Exclusion shall occur through an approved program and qualify as non-taxable under the principles of the General Welfare Exclusion to the fullest extent permitted at law.

- (a) An approved program shall be established and operated to promote the general welfare

of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment.

(b) Each approved program shall be limited to purposes consistent with treatment under the General Welfare Exclusion as to purpose, eligibility, and funding.

(d) An approved program shall meet all criteria of the General Test.

(d) Assistance provided through an approved program is not subject to information reporting by the Nation to the Internal Revenue Service.

1001.4-4. *Ratification of Prior Acts.* This law shall not be construed as creating new general welfare assistance rights which are an inherent right of Nation. Rather, this law is intended to codify existing procedures used by the Nation to administer its general welfare assistance. Assistance provided prior to the enactment of this law is hereby ratified and confirmed as general welfare assistance provided pursuant to the exercise by the Nation of its inherent tribal sovereignty.

### 1001.5. Approved Program Guidelines

1001.5-1. *Creation of an Approved Program.* An approved program shall be adopted by the Oneida Business Committee through a resolution or law of the Nation. Approved programs adopted by the Oneida Business Committee are considered in force and effect and in accordance with this law

(a) *Law.* An approved program shall be adopted by the Oneida Business Committee through a law if the approved program will function on a permanent basis.

(1) Adoption of an approved program by the Oneida Business Committee through a law of the Nation shall comply with the process and procedures of the Legislative Procedures Act.

(b) *Resolution.* An approved program shall be adopted by the Oneida Business Committee through a resolution if the approved program will function for a limited term.

(1) An approved program to be considered for adoption through resolution by the Oneida Business Committee shall be accompanied by a statement of effect and submitted in accordance with the Oneida Business Committee's submission procedure and deadlines.

(c) *Contents of Proposed Approved Programs.* The law or resolution establishing an approved program shall contain the following information:

- (1) Name of the approved program;
- (2) Purpose of the approved program;
- (3) Eligibility rules and limitations for approved program;
- (4) Funding source for approved program;
- (5) How the approved program qualifies for General Welfare Exclusion; and
- (6) Start and end date of approved program, if applicable.

1001.5-2. *Eligibility.* Assistance provided by an approved program shall be limited to members of the Nation. Each approved program shall set forth any specific eligibility rules and limitations applied to that program.

1001.5-3. *Funding of Approved Programs.* Assistance authorized by this law shall be limited to funds appropriated, at the discretion of the Oneida Business Committee and no matter the source of the funds. All amounts budgeted by the Nation for assistance shall remain general assets of the Nation until payments are disbursed. The Oneida Business Committee shall designate approved programs for which funds shall be budgeted each fiscal year, consistent with the purposes of this

law. Approved programs may also be funded through third-party funding if available.

1001.5-4. *Use of Assistance.* All assistance provided through an approved program shall be used for the purpose stated in the approved program description. If assistance is used or pledged for a purpose inconsistent with the purpose set forth in an approved program the payment shall be deemed forfeited. The Nation may secure repayment from any recipient who forfeited their assistance.

1001.5-5. *Anti-Alienation.* Assistance provided to a member through an approved program shall not be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment or garnishment by creditors of the member.

#### **1001.6. Non-Recourse Designation**

1001.6-1. The Nation does not guarantee assistance under this law. Assistance shall not be treated as a resource or asset of a recipient for any purpose; and no recipient shall have an interest in or right to any funds budgeted for, or set aside for, approved programs until paid.

1001.6-2. The Oneida Business Committee reserves the right to cancel, adjust, modify or revoke any benefit.

1001.6-3. Approved programs shall be administered at all times to avoid triggering of the doctrines of “constructive receipt” or “economic benefit.”

#### **1001.7. Governing Law; Sovereignty**

1001.7-1. All the rights and liabilities associated with the enactment of this law, or the assistance made hereunder, shall be construed and enforced according to the Nation’s laws and applicable federal law. Nothing in this law or the related laws, policies, or procedures adopted for its implementation, if any, shall be construed to make applicable to the Nation any laws or regulations which are otherwise inapplicable to the Nation, or from which the Nation is entitled to exemption because of its sovereign status.

#### **1001.8. Federal Trust Obligations**

1001.8-1. The Nation reserves the right to provide assistance in circumstances where federal funding is insufficient to operate federal programs designed to benefit applicants and when federal funding is insufficient to adequately and consistently fulfill federal trust obligations. The Nation’s adoption of its approved programs is not intended to relieve or diminish the federal government of its funding and trust responsibilities. Nothing herein shall waive the Nation’s right to seek funding shortfalls or to enforce the trust rights of the Nation and its members. The Nation shall be entitled to government-to-government consultation and coordination with the federal government regarding these obligations.

*End.*

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Emergency Adopted – BC-08-12-20-D  
 Emergency Amended – BC-02-10-21-B  
 Emergency Extended – BC-07-28-21-M  
 Adopted – BC-12-08-21-A

**Title 1. Government and Finances – Chapter 111**  
**GENERAL TRIBAL COUNCIL MEETING STIPEND PAYMENT POLICY**

111.1. Purpose and Policy

111.2. Adoption, Amendment, Repeal

111.3. Definitions

111.4. Stipends

111.5. General Tribal Council Meetings

111.6. Appeals

**111.1. Purpose and Policy**

111.1-1. The purpose of this policy is to govern the payment of stipends for attendance at General Tribal Council meetings.

111.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to pay eligible General Tribal Council members a stipend for attending a General Tribal Council meeting at which a quorum is established and maintained and where official Tribal business is conducted.<sup>1</sup>

**111.2. Adoption, Amendment, Repeal**

111.2-1. This policy was adopted by the Oneida Business Committee by Resolution BC-12-10-08-K and amended by BC-02-13-13-E.

111.2-2. This policy may be amended pursuant to Tribal law by the Oneida General Tribal Council.

111.2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

111.2-4. In the event of a conflict between a provision of this policy and a provision of another law, ordinance, policy, regulation, rule, resolution or motion, the provisions of this policy shall control. Provided that, nothing in this policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

111.2-5. This policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

**111.3. Definitions**

111.3-1. 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) “General Tribal Council” means the governing body of the Oneida Tribe of Indians of Wisconsin, which is composed of the qualified voters of the Tribe, as determined by the Constitution of the Oneida Tribe of Indians of Wisconsin.

(b) “Tribe” or “Tribal” means the Oneida Tribe of Indians of Wisconsin.

**111.4. Stipends**

111.4-1. Any Tribal member who meets the requirements of 111.4-2 shall receive a stipend in an amount determined by General Tribal Council for attending a General Tribal Council meeting, if a quorum is established.

(a) If a quorum has not been established within fifteen (15) minutes after the published starting time, the meeting shall not be held and no stipend shall be paid.

111.4-2. In order to receive a stipend for attending a General Tribal Council meeting, a person shall:

(a) be a qualified voter, in accordance with the Oneida Constitution;

<sup>1</sup>January 16, 2023 GTC Directive: “Motion by Nancy Barton to accept the petition and to increase the General Tribal Council stipend to \$200 effective January 30, 2023. Seconded by Michael Debraska. Motion carried 2/3 majority vote requirement by show of hands.”

(b) except as provided under (1), register no later than fifteen (15) minutes after the published starting time of the meeting by checking in at a registration table, filling out any required forms, and providing a valid Tribal or state issued picture identification;

(1) A person who is physically in line to register for a General Tribal Council meeting within fifteen (15) minutes after the published starting time of the meeting, may receive a stipend for attending a General Tribal Council meeting if he or she registers and meets the other requirements under this section.

(c) be present for the entire meeting, from the time the meeting is called to order until the meeting is adjourned; and

(1) For purposes of this policy, a Tribal member who leaves the meeting area and any related bathroom facilities, as identified by the Tribal Secretary's Office, is not considered present for the entire meeting.

(d) check out and provide a valid Tribal or state issued picture identification card after the meeting ends.

(1) For the purposes of this policy, a meeting ends when the meeting is adjourned, the meeting is recessed to a later date, or a quorum is lost.

111.4-3. *Payment.* The stipend payment shall be made by an acceptable distribution process approved by the Accounting Department. Any fees associated with reissuing a payment shall be deducted from a reissued payment.

(a) The Accounting Department shall distribute stipend payments no later than fifteen (15) business days after a General Tribal Council meeting is held.

(b) If a Tribal member does not receive a stipend payment after meeting the requirements of 111.4-2, he or she may contact the Enrollment Department to verify his or her eligibility to receive the stipend payment.

## **111.5. General Tribal Council Meetings**

### **111.5-1. Enrollment Department.**

(a) The Enrollment Department shall be responsible for the following at each General Tribal Council meeting:

(1) Conducting check in/out of Tribal members and verifying voter eligibility.

(2) Verifying mailing address of each Tribal member.

(3) Providing eligible Tribal members with a hand stamp, bracelet or other identifier that can be displayed upon request to prove they are eligible to attend the meeting and/or vote during the meeting.

(b) Enrollment Department officials shall be responsible for verifying the information provided by Tribal members while checking in and out. A Tribal or state issued picture identification card shall be required to verify the identity of the person registering.

(c) The Enrollment Department shall send the relevant information regarding Tribal members who are eligible to receive a stipend to the Accounting Department as soon as possible after the meeting.

111.5-2. If the facility where the meeting is held does not seat at least twenty-five hundred (2,500) people, the Oneida Business Committee shall have the Security Department or other applicable individuals limit meeting attendees to those Tribal members who are eligible to vote.

## **111.6. Appeals**

111.6-1. Any Tribal member denied a stipend payment may file an appeal with the Enrollment Department within forty-five (45) days after the meeting for which the meeting stipend was denied. The review shall be conducted by the Enrollment Director or his/her designee. A determination as to

whether the Tribal member was eligible for the stipend shall be made within five (5) business days of receipt of the appeal.

(a) The determination shall be sent by registered mail (return receipt requested) or delivered in person to the Tribal member.

(b) In the event a stipend payment is denied, the determination shall include a statement notifying the Tribal member that he or she has fourteen (14) calendar days to file an appeal with the Oneida Trust/Enrollment Committee.

(c) In the event a stipend payment is granted, the determination shall include a statement notifying the Tribal member that the Enrollment Department will forward his or her relevant information to the Accounting Department to process the payment.

111.6-2. Any Tribal member denied a stipend payment after an appeal to the Enrollment Director may appeal the Director's determination to the Oneida Trust/Enrollment Committee. The appeal shall be filed within fourteen (14) calendar days of receipt of the determination. An appeal shall be filed with the Oneida Trust/Enrollment Committee in care of the Enrollment Department. The Enrollment Department shall forward the appeal to the Oneida Trust/Enrollment Committee no later than the next business day.

111.6-3. A quorum of the Oneida Trust/Enrollment Committee shall conduct a hearing of the appeal and issue a determination within forty-five (45) days of the receipt of the Tribal member's request for review.

(a) The Oneida Trust/Enrollment Committee determination shall be sent by registered mail (return receipt requested) or delivered in person to the Tribal member.

111.6-4. *Payments after an Appeal.*

(a) Within five (5) business days after the Enrollment Director or the Oneida Trust/Enrollment Committee determines that a stipend should have been granted, the Enrollment Department shall notify the Accounting Department of the determination, the name of the Tribal member and any additional relevant information needed by the Accounting Department to make the payment.

(b) The Accounting Department shall distribute a stipend payment to the Tribal member within fifteen (15) business days from the notification.

111.6-5. The determination of the Oneida Trust/Enrollment Committee shall be final.

*End.*

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GTC Directive – 8/11/07  
 Emergency Adoption – BC-12-07-07-A  
 Emergency Extension – BC-05-28-08-C  
 Permanent Adoption – BC-12-10-08-K  
 GTC Directive – GTC-11-21-11-A  
 Emergency Adoption – BC-05-09-12-A  
 Emergency Extension – BC-10-14-12-B  
 Adopted – BC-02-13-13-E  
 Emergency Amended – BC-04-08-20-A  
 Emergency Extension – BC-09-23-20-B (Expired)



TO: Legislative Operating Committee  
FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney  
DATE: April 2, 2025  
RE: One Year Review of the Drug and Alcohol Free Workplace Law Amendments

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### ***Background***

On February 14, 2024, the Oneida Business Committee adopted the most recent amendments to the Drug and Alcohol Free Workplace law through the adoption of resolution BC-02-14-24-B, *Amendments to the Drug and Alcohol Free Workplace law*. The purpose of the Drug and Alcohol Free Workplace law is to establish a drug and alcohol-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment. [2 O.C. 202.1-2]. The amendments to the Drug and Alcohol Free Workplace law require that all external and internal applicants participate in pre-employment drug testing, and that a negative drug test result shall be required for employment eligibility. [2 O.C. 202.8-4]. The amendments to the Drug and Alcohol Free Workplace law further provide that an external applicant's confirmed positive THC test result shall be exempted from the requirement of a negative drug test result for pre-employment eligibility unless prohibited by an external licensing or grant requirement. [2 O.C. 202.8-4(a)]. Once an individual is hired by the Nation, the employee is prohibited from the use of prohibited drugs and alcohol during working hours, when on-call, and when operating a vehicle owned by the Nation or a vehicle rented by the Nation. [2 O.C. 202.4-2]. All employees of the Nation are required to participate in reasonable suspicion and follow-up testing upon the request of an appropriate authority. [2 O.C. 202.8-5]. A negative test result is required for unimpeded employment eligibility. *Id.*

When the Oneida Business Committee adopted the most recent amendments to the Drug and Alcohol Free Workplace law, the Oneida Business Committee also directed the Legislative Operating Committee to conduct a one (1) year review regarding the amendments. This memorandum serves as the one (1) year review of the most recent amendments to the Drug and Alcohol Free Workplace law.

### ***One Year Review***

In order to conduct a one (1) year review of the Drug and Alcohol Free Workplace law amendments the Legislative Operating Committee both held a work meeting on February 3, 2025, and reached out via e-mail to representatives from the following areas with a request for information regarding the implementation of the most recent amendments to the Drug and Alcohol Free Workplace law:

- Human Resources Department;
- Employee Health Nursing;
- Oneida Law Office;
- General Manager;
- Gaming; and
- Retail.

The following information regarding the first year of the Drug and Alcohol Free Workplace law amendments was provided:

- Employee Health Nursing began exempting an external applicant's confirmed positive THC test result for pre-employment drug testing on March 4, 2024.
- From March 4, 2024 through December 31, 2024, Employee Health Nursing conducted four hundred twenty-three (423) total pre-employment drug tests.
  - Employee Health Nursing exempted positive THC test results for thirty-eight (38) external applicants.
    - Sixteen (16) external applicants were for Programs, and twenty-two (22) external applicants were for Gaming.
    - The amount of exempted positive THC test results equates to approximately nine percent (9%) of the total pre-employment drug tests.
- As of February 19, 2025, Employee Health Nursing exempted positive THC test results for three (3) external applicants. One (1) external applicant for Programs, and two (2) external applicants for Gaming.
- It was noted that two (2) internal transfer applicants tested positive for THC and thought their positive test result would be waived, as they were unclear that the exemption for pre-employment drug testing provided for in section 202.8-4(a) of the Drug and Alcohol Free Workplace law applied to only external applicants.

Overall, the common impression of the first year implementation of the Drug and Alcohol Free Workplace law amendments is that the amendments are working well and as intended, and the adoption of these amendments has led to an increase in the Nation's hiring ability. At this point in time additional amendments to the Drug and Alcohol Free Workplace law were not identified.

### **Requested Action**

Accept the one (1) year review of the Drug and Alcohol Free Workplace law amendments.



# April 2025

April 2025							May 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5				1	2	3	
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>Mar 31</p>	<p>Apr 1</p> <p>9:00am Code of Ethics Law Amendments</p> <p>10:00am Probate Discussion: Division of</p> <p>11:00am Probate Discussion: Oneida Law</p> <p>2:00pm Furlough + Layoff</p> <p>3:30pm Probate</p>	<p>2</p> <p>8:30am LOC Prep Meeting (Microsoft Teams)</p> <p>9:00am Legislative Operating Committee</p> <p>12:00pm LOC Community Work Session:</p> <p>1:30pm LOC Work Session (Microsoft</p>	<p>3</p>	<p>4</p>
<p>7</p>	<p>8</p>	<p>9</p>	<p>10</p>	<p>11</p>
<p>14</p> <p>10:00am Boards, Committees, Commissions amendments - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz</p>	<p>15</p> <p>10:30am Eviction and Termination Law Amendments Work Meeting (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman</p>	<p>16</p> <p>8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) -</p> <p>9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;</p>	<p>17</p>	<p>18</p>
<p>21</p>	<p>22</p>	<p>23</p>	<p>24</p>	<p>25</p>
<p>28</p> <p>10:00am Higher Education Law/Rule Review (Microsoft Teams Meeting;</p> <p>1:30pm Indian Preference in Contracting (Microsoft Teams Meeting) - Grace L.</p>	<p>29</p> <p>10:00am Independent Contractor Policy amendments -work</p> <p>1:00pm Conflict of Interest Law amendments - work</p> <p>2:00pm Public Use of Tribal Land Law</p>	<p>30</p> <p>10:00am Vendor Licensing - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz</p>	<p>May 1</p>	<p>2</p>