



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
May 7, 2025  
9:00 a.m.

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

**II. Minutes to be Approved**

1. April 16, 2025 LOC Meeting Minutes (pg. 2)

**III. Current Business**

1. Oneida Nation Law Enforcement Ordinance Amendments (pg. 4)
2. Hunting, Fishing, and Trapping Law Amendments (pg. 56)
3. Landlord Tenants Law Amendments (pg. 87)
4. Workplace Violence Law Amendments (pg. 120)

**IV. New Submissions**

1. Oneida Worker's Compensation Law Amendments (pg. 137)
2. Petition: S. Benton – Personnel Policies and Procedures Amendments #2025-01 (pg. 138)
3. Petition: S. Benton – Trial Court Rules Amendments #2025-02 (pg. 140)
4. Judiciary Law Amendments (pg. 142)
5. Data Sovereignty Law (pg. 154)

**V. Additions**

**VI. Administrative Updates**

1. E-Poll Results: Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC (pg. 157)
2. E-Poll Results: Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice (pg. 165)
3. LOC Fiscal Year 2025 Second Quarter Report (pg. 195)

**VII. Executive Session**

**VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
April 16, 2025  
9:00 a.m.

**Present:** Jameson Wilson, Jonas Hill, Jennifer Webster, Marlon Skenandore

**Excused:** Kirby Metoxen

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

**Others Present on Microsoft Teams:** David P. Jordan, Derrick King, Janice Decorah, Rae Skenandore, Eric Boulanger, Katsitsiyo Danforth, Kristal Hill, Fawn Cottrell, Tavia James-Charles, Sarah White, Ralinda Ninham-Lamberies, Eric McLester, Justin Nishimoto, Michelle Braaten, Kaylynn Gresham, Peggy Helm-Quest, Fawn Billie, Joel Maxam, Shannon Stone

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

Jameson Wilson called the April 16, 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. April 2, 2025 LOC Meeting Minutes**

Motion by Jennifer Webster to approve the April 2, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

**III. Current Business**

**1. Oneida Nation Law Enforcement Ordinance Amendments**

Motion by Jonas Hill to accept the accept the updated public comment review memorandum, draft, and legislative analysis; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to approve he fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by April 30, 2025; seconded by Jennifer Webster. Motion carried unanimously.

**IV. New Submissions**



**V. Additions**

**VI. Administrative Updates**

**VII. Executive Session**

**VIII. Adjourn**

Motion by Marlon Skenandore to adjourn at 9:12 a.m.; seconded by Jennifer Webster.  
Motion carried unanimously.



Legislative Operating Committee  
May 7, 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 Skenandore, 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 Skenandore, 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 Skenandore. 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 Skenandore. Motion carried unanimously.
- 3/14/25:** *Public Meeting Held.* Present: Marlon Skenandore, Clorissa Leeman, Grace Elliott, 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. 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.
- 4/2/25 LOC:** Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

**4/2/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell. The purpose of this work meeting was to review and consider the public comments received.

**4/10/25:** *Work Meeting.* Present: Clorissa Leeman, Peggy Van Gheem. The purpose of this brief work meeting was to touch base on some issues identified by the Oneida Law Office and determine if additional language to the law was necessary.

**4/16/25 LOC:** Motion by Jonas Hill to accept the accept the updated public comment review memorandum, draft, and legislative analysis; seconded by Marlon Skenandore. Motion carried unanimously.


Motion by Jonas Hill to approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by April 30, 2025; seconded by Jennifer Webster. Motion carried unanimously.

**4/30/25:** *Fiscal Impact Statement.* The fiscal impact statement was received from the Finance Department.

### **Next Steps:**

- Approve the adoption packet for the Oneida Nation Law Enforcement Ordinance Amendments and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee  
FROM: Jameson Wilson, LOC Chairperson   
DATE: May 7, 2025  
RE: Adoption of Amendments to the Oneida Nation Law Enforcement Ordinance

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Please find the following attached backup documentation for your consideration of the adoption of amendments to the Oneida Nation Law Enforcement Ordinance:

1. Resolution: Amendments to the Oneida Nation Law Enforcement Ordinance
2. Statement of Effect: Amendments to the Oneida Nation Law Enforcement Ordinance
3. Oneida Nation Law Enforcement Ordinance Amendments Legislative Analysis
4. Oneida Nation Law Enforcement Ordinance Amendments Draft (Redline)
5. Oneida Nation Law Enforcement Ordinance Amendments Draft (Clean)
6. Oneida Nation Law Enforcement Ordinance Amendments Fiscal Impact Statement

#### *Overview*

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. [3 O.C. 301.1-1]. Amendments to the Oneida Nation Law Enforcement Ordinance are being sought to:

- Revise the title of the law from "Oneida Nation Law Enforcement Ordinance" to "Law Enforcement law;"
- Include a new provision providing the policy of the Nation in regard to this law. [3 O.C. 301.1-2];
- Provide that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)];
- Remove the Police Sergeant position from the positions in the Oneida Police Department that are required to be held by enrolled members of the Nation. [3 O.C. 301.5-1(a)];
- Require that upon the removal of a Police Chief, in addition to the retirement or resignation, the Oneida Public Safety and Security Commission shall appoint an interim Police Chief. [3 O.C. 301.5-2(b)(4)];
- Clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3 O.C. 301.5-4];
- 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. [3 O.C. 301.5-6];
- Expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other public

safety operation department of the Nation, in addition to the Oneida Police Department. [3 O.C. 301.6];

- Revise the eligibility qualifications for Oneida Public Safety and Security Commission members. [3 O.C. 301.6-3];
- Revise the responsibilities of the Oneida Public Safety and Security Commission in regard to the Oneida Police Department. [3 O.C. 301.6-4];
- Provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. [3 O.C. 301.6-5];
- Revise the disciplinary proceedings for law enforcement officers. [3 O.C. 301.9];
- Move all provisions regarding the use of firearms to section 301.11 of the Law, and provide that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards. [3 O.C. 301.11-1]; and
- Make other minor drafting changes throughout the Law.

The Legislative Operating Committee developed the proposed amendments to the Oneida Nation Law Enforcement Ordinance through collaboration with representatives from the Oneida Police Department, Oneida Police Commission, Oneida Law Office, Internal Security Department, Oneida Business Committee, Oneida Gaming Commission, and the General Manager. The Legislative Operating Committee held twenty-four (24) work meetings on the development of the amendments to the Oneida Nation Law Enforcement Ordinance.

The development of the amendments to the Oneida Nation Law Enforcement Ordinance complies with all processes and procedures required by the Legislative Procedures Act, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Oneida Nation Law Enforcement Ordinance on March 14, 2025. One (1) individual provided oral comments during the public meeting. The public comment period for the amendments to the Oneida Nation Law Enforcement Ordinance was then held open until March 21, 2025. No written comments were received during this public comment period.

The amendments to the Oneida Nation Law Enforcement Ordinance will become effective on August 20, 2025.

### **Requested Action**

Adopt the Resolution: Amendments to the Oneida Nation Law Enforcement Ordinance



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### Amendments to the Oneida Nation Law Enforcement Ordinance

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Nation Law Enforcement Ordinance ("the Law") was adopted by the Oneida Business Committee through resolution BC-10-10-01-C and then amended by resolution BC-02-25-15-C; and
- WHEREAS,** the purpose of this Law is to regulate the conduct of the Nation's law enforcement personnel according to the highest professional standards; and
- WHEREAS,** the amendments to the Law revise the title of the Law from "Oneida Nation Law Enforcement Ordinance" to "Law Enforcement law;" and
- WHEREAS,** the amendments to the Law include a new provision providing the policy of the Nation in regard to this law; and
- WHEREAS,** the amendments to the Law provide that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers; and
- WHEREAS,** the amendments to the Law remove the Police Sergeant position from the positions in the Oneida Police Department that are required to be held by enrolled members of the Nation; and
- WHEREAS,** the amendments to the Law require that upon the removal of a Police Chief, in addition to the retirement or resignation, the Oneida Public Safety and Security Commission shall appoint an interim Police Chief; and
- WHEREAS,** the amendments to the Law clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers; and
- WHEREAS,** the amendments to the Law 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; and

**WHEREAS,** the amendments to the Law expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other public safety operation department of the Nation, in addition to the Oneida Police Department; and

**WHEREAS,** the amendments to the Law revise the eligibility qualifications for Oneida Public Safety and Security Commission members; and

**WHEREAS,** the amendments to the Law revise the responsibilities of the Oneida Public Safety and Security Commission in regard to the Oneida Police Department; and

**WHEREAS,** the amendments to the Law provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws; and

**WHEREAS,** the amendments to the Law revise the disciplinary proceedings for law enforcement officers; and

**WHEREAS,** the amendments to the Law move all provisions regarding the use of firearms to section 301.11 of the Law, and provide that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards; and

**WHEREAS,** the amendments to the Law make other minor drafting changes throughout the Law; and

**WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Police Department, Oneida Police Commission, Oneida Law Office, Internal Security Department, Oneida Business Committee, Oneida Gaming Commission, and the General Manager; and

**WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and

**WHEREAS,** the Legislative Operating Committee held a public meeting on the proposed amendments to the Law on March 14, 2025, with one (1) individual providing oral comments, and the public comment period for the amendments to this Law was then held open until March 21, 2025, with no submissions of written comments received; and

*Adoption of Amendments to the Oneida Nation Law Enforcement Ordinance and Effective Date*

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments to the Oneida Nation Law Enforcement Ordinance, now known as the Law Enforcement law, which shall become effective on August 20, 2025.

*Transition of the Oneida Police Commission to the Oneida Public Safety and Security Commission*

**BE IT FURTHER RESOLVED,** effective on August 20, 2025, the Oneida Police Commission shall hereby be expanded into and known as the Oneida Public Safety and Security Commission.

**BE IT FURTHER RESOLVED,** in accordance with section 301.6-1 of the Law, the Oneida Public Safety and Security Commission provides 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; and 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 department of the Nation that focuses its operation on public safety as identified in the bylaws of the Oneida Public Safety and Security Commission.

**BE IT FURTHER RESOLVED**, the Oneida Law Office shall provide bylaws for the Oneida Public Safety and Security Commission for consideration of adoption by the Oneida Business Committee by August 20, 2025.

**BE IT FURTHER RESOLVED**, current members of the Oneida Police Commission may maintain their appointment to the Commission throughout their term of appointment through the transition from the Oneida Police Commission to the Oneida Public Safety and Security Commission.

*One Year Review*

**BE IT FINALLY RESOLVED**, that the Legislative Operating Committee shall conduct a one (1) year review of the amended Law Enforcement law.



## **Statement of Effect**

### *Amendments to the Oneida Nation Law Enforcement Ordinance*

#### **Summary**

This resolution adopts amendments to the Oneida Nation Law Enforcement Ordinance.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: May 7, 2025*

#### **Analysis by the Legislative Reference Office**

This resolution adopts amendments to the Oneida Nation Law Enforcement Ordinance. 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. [3 O.C. 301.1-1]. Amendments to the Oneida Nation Law Enforcement Ordinance are being sought to:

- Revise the title of the law from "Oneida Nation Law Enforcement Ordinance" to "Law Enforcement law;"
- Include a new provision providing the policy of the Nation in regard to this law. [3 O.C. 301.1-2];
- Provide that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)];
- Remove the Police Sergeant position from the positions in the Oneida Police Department that are required to be held by enrolled members of the Nation. [3 O.C. 301.5-1(a)];
- Require that upon the removal of a Police Chief, in addition to the retirement or resignation, the Oneida Public Safety and Security Commission shall appoint an interim Police Chief. [3 O.C. 301.5-2(b)(4)];
- Clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3 O.C. 301.5-4];
- 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. [3 O.C. 301.5-6];
- Expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other public safety operation department of the Nation, in addition to the Oneida Police Department. [3 O.C. 301.6];
- Revise the eligibility qualifications for Oneida Public Safety and Security Commission members. [3 O.C. 301.6-3];
- Revise the responsibilities of the Oneida Public Safety and Security Commission in regard to the Oneida Police Department. [3 O.C. 301.6-4];

- Provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. [3 O.C. 301.6-5)];
- Revise the disciplinary proceedings for law enforcement officers. [3 O.C. 301.9];
- Move all provisions regarding the use of firearms to section 301.11 of the Law, and provide that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards. [3 O.C. 301.11-1]; and
- Make other minor drafting changes throughout the Law.

Adoption of any legislation is required to comply with the Legislative Procedures Act (“the LPA”), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Oneida Nation Law Enforcement Ordinance amendments complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Oneida Nation Law Enforcement Ordinance on March 14, 2025. One (1) individual provided oral comments during the public meeting. The public comment period for the amendments to the Oneida Nation Law Enforcement Ordinance was then held open until March 21, 2025. No written comments were received during this public comment period.

The amendments to the Oneida Nation Law Enforcement Ordinance will become effective on August 20, 2025.

### ***Conclusion***

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



# ONEIDA NATION LAW ENFORCEMENT ORDINANCE AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> <li>Include a new provision providing the policy of the Nation in regard to this law. [3 O.C. 301.1-2];</li> <li>Provide that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)];</li> <li>Remove the Police Sergeant position from the positions in the Oneida Police Department that are required to be held by enrolled members of the Nation. [3 O.C. 301.5-1(a)];</li> <li>Require that upon the removal of a Police Chief, in addition to the retirement or resignation, the Oneida Public Safety and Security Commission shall appoint an interim Police Chief. [3 O.C. 301.5-2(b)(4)];</li> <li>Clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3 O.C. 301.5-4];</li> <li>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. [3 O.C. 301.5-6];</li> <li>Expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other public safety operation department of the Nation, in addition to the Oneida Police Department. [3 O.C. 301.6];</li> <li>Revise the eligibility qualifications for Oneida Public Safety and Security Commission members. [3 O.C. 301.6-3];</li> <li>Revise the responsibilities of the Oneida Public Safety and Security Commission in regard to the Oneida Police Department. [3 O.C. 301.6-4];</li> <li>Provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. [3 O.C. 301.6-5];</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Revise the disciplinary proceedings for law enforcement officers. [3 O.C. 301.9];</li> <li>▪ Move all provisions regarding the use of firearms to section 301.11 of the Law, and provide that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards. [3 O.C. 301.11-1]; and</li> <li>▪ Make other minor drafting changes throughout the Law.</li> </ul>
<b>Purpose</b>	The purpose of this law is to regulate the conduct of the Nation's law enforcement personnel according to the highest professional standards. [3 O.C. 301.1-1].
<b>Affected Entities</b>	Oneida Police Department, Oneida Police Commission, Internal Security Department
<b>Public Meeting</b>	A public meeting was held on March 14, 2025. 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.
<b>Fiscal Impact</b>	A fiscal impact statement was provided by the Finance Department on April 30, 2025.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Oneida Nation Law Enforcement Ordinance (“the Law”) was originally adopted by the Oneida Business Committee in 2001 through resolution BC-10-10-01-C. The purpose of the Law is to regulate the conduct of the Nation’s law enforcement personnel according to the highest professional standards. [3 O.C. 301.1-1]. It is the policy of the Nation to ensure that the law enforcement personnel operates at the highest level of professional standards to ensure the safety and welfare of the community. [3 O.C. 301.1-2].
- B. Request for Amendments.** The request for amendments to the Law originally came before the Legislative Operating Committee in 2014 from the Oneida Police Department and the Oneida Law Office for clarification on whether Conservation wardens qualified as sworn officers. The Legislative Operating Committee originally added this item to its Active Files List on September 17, 2014. This legislative matter was then carried on the Active Files List for more than three legislative terms. The Legislative Operating Committee added the Oneida Nation Law Enforcement Ordinance amendments to its Active Files List this legislative term on October 4, 2023.

## SECTION 3. CONSULTATION AND OUTREACH

- A.** Representatives from the following departments or entities participated in the development of the amendments to the Law and this legislative analysis:
- Oneida Police Department;
  - Oneida Police Commission;
  - Oneida Business Committee;
  - Oneida Law Office;
  - Internal Security Department;

- Oneida Gaming Commission; and the
  - General Manager.
- B.** The following laws were reviewed in the drafting of this analysis:
- Boards, Committees, and Commissions law; and
  - Oneida Personnel Policies and Procedures.

## **SECTION 4. PROCESS**

- A.** The development of the proposed amendments to the Law complies with the process set forth in the Legislative Procedures Act (LPA).
- On October 10, 2023, the Legislative Operating Committee added the Oneida Nation Law Enforcement Ordinance to its Active Files List.
  - On September 4, 2024, the Legislative Operating Committee approved the draft of the proposed amendments to the Law and directed that a legislative analysis be developed.
  - On January 15, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments.
  - On February 5, 2025, the Legislative Operating Committee approved the public meeting packet for the amendments to the Oneida Nation Law Enforcement Ordinance and forwarded this legislative item to a public meeting to be held on March 14, 2025.
  - On March 14, 2025, the public meeting was held. One (1) person provided oral comments during this public meeting.
  - The public comment period was then held open until March 21, 2025. No individuals provided written comments during this public comment period.
  - On April 2, 2025, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration. The Legislative Operating Committee then reviewed and considered those comments that same day.
  - On April 16, 2025, the Legislative Operating Committee accepted the updated public comment review memorandum, draft, and legislative analysis; and approved the fiscal impact statement request memorandum and forwarded the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by April 30, 2025.
  - On April 30, 2025, the Legislative Operating Committee received the fiscal impact statement from the Finance Department.
- B.** At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to the Law this legislative term:
- March 6, 2024: LOC work session with the Oneida Police Department and the Oneida Law Office.
  - March 28, 2024: LOC work session.
  - April 19, 2024: LOC work session with the Oneida Police Department, Oneida Law Office, Oneida Police Commission, and the Internal Security Department.
  - June 7, 2024: LOC work session with the Oneida Police Department, Oneida Law Office, Oneida Police Commission, and the Internal Security Department.
  - July 26, 2024: LOC work session with the Oneida Police Department and the Oneida Police Commission.
  - September 4, 2024: OBC Officers' Meeting.
  - September 4, 2024: LOC work session.

- October 8, 2024: LOC work session with Oneida Police Department, Oneida Law Office, Oneida Police Commission, Internal Security Department, Oneida Gaming Commission, and the General Manager.
- October 9, 2024: Phone call with Oneida Law Office.
- October 18, 2024: LOC work session.
- October 24, 2024: LOC work session.
- April 2, 2025: LOC work session.
- April 10, 2025: Work session with Oneida Law Office.

## SECTION 5. CONTENTS OF THE LEGISLATION

**A. *Policy.*** The current Law does not include a policy statement. Amendments to the Law will include the addition of a policy statement, which will provide that 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. [3 O.C. 301.1-2].

- *Effect.* The inclusion of a policy statement complies with the formatting requirements of section 109.11-1(a)(2) of the Legislative Procedures Act which requires that all laws of the Nation contain a policy section which indicates the direction the law is to take, including impetus or underlying goal of the regulation.

**B. *Jurisdictional Exception.*** Section 301.4-1 of the current Law provides that all law enforcement operations shall take place on and within the Oneida Reservation unless there is a potential that safety and welfare of an individual is being compromised, or the enforcement operations take place pursuant to mutual aid agreements with local governments. The proposed amendments to the Law maintain the current provision of the Law while also adding a provision which provides that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)].

- *Effect.* The proposed amendments to the Law recognize that there may be other jurisdictional exceptions that exist for law enforcement officers in other laws, and therefore provides greater flexibility for the Nation's law enforcement officers when operating outside of the Reservation.

**C. *Oneida Police Department Restrictions.*** Section 301.5-3(d) of the current Law provides that the positions of Police Chief, Assistant Chief, Police Lieutenant or Sergeant, Conservation Director, and Assistant Conservation Director are required to be held by only members of the Nation. The proposed amendments to the Law revise the requirement for what job positions in the Oneida Police Department are required to be held by enrolled members of the Nation, and require that only the Police Chief, Assistant Chief, and Police Lieutenant be enrolled members of the Nation. [3 O.C. 301.5-1(a)].

- *Effect.* The proposed amendments to the Law remove the positions of Police Sergeant, Conservation Director, and Assistant Conservation Director from the requirement to be held by members of the Nation. The positions of Conservation Director and Assistant Conservation Director were removed from the Law as they are not positions of the Oneida Police Department. The position of Police Sergeant was removed because it provides the Oneida Police Department greater flexibility in filling its vacant positions. Indian preference in hiring still applies to the hiring of the Police Sergeant position in accordance with the Oneida Personnel Policies and Procedures.

**D. *Notification of Removal of a Police Chief.*** Section 301.6-5(d) of the current Law provides that upon accepting retirement notification or the resignation of a current Police Chief, the Oneida Police Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the

process for appointment of a new chief can be completed. The proposed amendments to the Law also recognize that upon the removal of a Police Chief, the Oneida Police Commission shall appoint an interim Police Chief. [3 O.C. 301.5-2(b)(4)].

- *Effect.* The Law was amended to include the removal of a Police Chief as a circumstance in which the Oneida Police Commission shall appoint an interim Police Chief to be more inclusive of all circumstances that may arise in which an interim Police Chief would need to be appointed.

E. **Liability Coverage.** Section 301.5-4 of the current Law provides that the Nation shall provide professional liability insurance for all law enforcement officers and Conservation Officers. The proposed amendments to the Law clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3 O.C. 301.5-4].

- *Effect.* The Law was amended to recognize that the Federal Tort Claims Act does provide some liability coverage for law enforcement officers, and therefore a reference to that policy was included.

F. **Law Enforcement Officers to be Sworn.** Section 301.5-6 of the current Law provides that all law enforcement officers shall be installed by sworn oath before the Oneida Business Committee at a regular meeting. The proposed amendments to the Law provide that all law enforcement officers be installed by sworn oath before the Oneida Business Committee during a regular or special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary. [3 O.C. 301.5-6]. The proposed amendments then clarify that when taking an oath, the law enforcement officer shall appear in person to take their oath, except if granted permission by the Oneida Business Committee Secretary to appear through video conferencing, or through other telecommunications. [3 O.C. 301.5-6(a)]. If an oath is administered outside of an Oneida Business Committee meeting, a quorum of Oneida Business Committee members are required to be present to witness the oath. [3 O.C. 301.5-6(b)].

- *Effect.* The proposed amendments provide greater flexibility for when a law enforcement officer may take their sworn oath.

G. **Oneida Public Safety and Security Commission.** Section 301.4-7 of the current Law establishes the Oneida Police Commission to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. Section 301.6 of the current Law then goes on to provide for the qualifications, appointment term, responsibilities, and removal of the Oneida Police Commission. The proposed amendments to the Law expand the Oneida Police Commission into the Oneida Public Safety and Security Commission. [3 O.C. 301.6]. The purpose of the Oneida Public Safety and Security Commission is much the same as the Oneida Police Commission, except that it is now expanded to have oversight authority over the Internal Security Department and other department of the Nation that focuses its operation on public safety, in addition to the Oneida Police Department. [3 O.C. 301.6-1]. The terms of appointment for commissioners on the Oneida Public Safety and Security Commission remains the same as it was for the Oneida Police Commission. [3 O.C. 301.6-2].

- *Effect.* The proposed amendments to the Law expand the Oneida Police Commission into the Oneida Public Safety and Security Commission in recognition that are more departments currently than just the Oneida Police Department that focus on the safety and security of the Nation, and this could be expanded even more in the future, and therefore the same oversight that the Oneida Police



Commission provides the Oneida Police Department should be provided for all safety and security departments of the Nation.

**H. *Eligibility Qualifications.*** Section 301.6-3 of the current Law provides the eligibility requirements for serving on the Oneida Police Commission, which include: be a member of the Nation, be twenty-five (25) years of age or older; have a satisfactory background investigation; submit to drug testing prior to appointment and on an annual basis; not be an employee of the Oneida Police Department; attend applicable training; and be a person of known good standing in the community. The eligibility qualifications for the Oneida Public Safety and Security Commission remain much the same as the Oneida Police Commission except that the following eligibility requirements were removed from the Law: that an individual submit to drug testing prior to appointment and on an annual basis; the individual attend applicable training; and be a person of known good standing in the community. [3 O.C. 301.6-3]. The proposed amendments to the Law also clarify that in addition to not being an employee of the Oneida Police Department, the individual cannot be an employee or terminated from the Oneida Police Department, Internal Security Department, or any other public safety operation overseen by the Oneida Public Safety and Security Commission. [3 O.C. 301.6-3(d)].

- *Effect.* The eligibility requirement that an individual submit to drug testing prior to appointment and on an annual basis was removed from the Law due to the fact that other boards, committees, and commissions of the Nation do not include a similar requirement, and it was unknown why it was necessary to include that requirement for the Oneida Police Commission when the Commission members already have to pass a background investigation. The eligibility requirement that the individual attend applicable training was removed because this was determined that it was not so much of an eligibility requirement, but more so a training requirement. The eligibility requirement that a person be of known good standing in the community was removed because the notion of “good standing” was too subjective and left a lot open to interpretation and would not be necessarily needed because a person already has to pass a background investigation. And finally, the eligibility requirement that an individual cannot be an employee or terminated from the Oneida Police Department, Internal Security Department, or any other public safety operation overseen by the Oneida Public Safety and Security Commission was included in recognition that the Oneida Public Safety and Security Commission oversees multiple areas, and therefore employment in any of those areas is forbidden to avoid any potential or actual conflicts of interest.

**I. *Responsibilities of the Commission in regard to the Oneida Police Department.*** Section 301.6-1 of the current Law provides for the responsibilities of the Oneida Police Commission in regard to the Oneida Police Department. In the proposed amendments to the Law, the responsibilities of the Oneida Public Safety and Security Commission have been provided for in section 301.-4. Many of the responsibilities the Oneida Police Commission had over the Oneida Police Department remain the same through the transition to the Oneida Public Safety and Security Commission, including the following the responsibilities to: appoint, suspend, or remove the Police Chief of the Oneida Police Department; approve all law enforcement officer appointments made by the Police Chief including the promotion of subordinates; approve an eligibility list of individuals determined to be eligible for appointment as a law enforcement officer or promotion; hear charges filed against law enforcement officers or other appointed personnel of the Police Department, whether filed by the Oneida Public Safety and Security Commission or the Police Chief, make findings and determinations, and impose penalties, up to and including termination; Hear appeals of disciplinary actions against any law enforcement personnel – with the clarification added that the Oneida Public Safety and Security Commission shall not have

authority over disciplinary actions of non-sworn personnel; and adopt standard operating procedures governing the Oneida Public Safety and Security Commission's management of its own activities. [3 O.C. 301.6-4]. The following responsibilities over the Oneida Police Department were removed from the Law with the proposed amendments: adopt, modify, and repeal rules governing how lists of individuals, concluded to be eligible for appointment to law enforcement officer and promotion, are established; approve competitive examinations used to judge suitability for appointment or promotion of law enforcement officers; suspend law enforcement officers or other appointed personnel of the Police Department pending the filing and hearing of charges against them, subject to the provisions of 301.10; initiate charges against law enforcement officers or other appointed personnel of the Police Department.

- *Effect.* The responsibilities of the Oneida Public Safety and Security Commission over the Oneida Police Department were amended to reflect the current practices of the Oneida Police Commission over the Oneida Police Department.

**J. *Responsibilities of the Commission in regard to Internal Security and other Departments.*** The proposed amendments to the Law provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. [3 O.C. 301.6-5].

- *Effect.* The amendments to the Law provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws, since it would not be appropriate for those responsibilities to be included in this Law because this Law governs law enforcement, and the Internal Security Department and any other safety operation of the Nation are not law enforcement.

**K. *Disciplinary Proceedings for Law Enforcement Officers.*** Section 301.9 of the current Law provides for the disciplinary proceedings for law enforcement officers. This section of the Law was entirely rewritten with the proposed amendments to the Law to simplify and clarify the disciplinary process. The proposed amendments to the law provide for the just cause standard, discipline of law enforcement officers by the Chief of Police, discipline of the Chief of Police, the right to request a hearing, filing of charges, procedure for responding to charges, scheduling conference, evidentiary hearing, deliberations and findings, and orders from the hearing. [3 O.C. 301.9].

- *Effect.* The proposed amendments to the Law simplify and clarify the disciplinary process.

**L. *Firearms Control.*** Section 301.4-6 of the current Law provides that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and minimum accepted law enforcement standards as determined by the Police Chief with approval of the Oneida Police Commission. The current Law then goes on to clarify that the actual use of deadly force shall be allowed solely for the protection of life or the prevention of grievous bodily harm. Section 301.11-1 of the current Law provides that the Nation hereby establishes regulations for the carrying of firearms issued to certified law enforcement officers employed by the Nation, and then goes onto clarify that the needs and requirements for carrying firearms shall be established and determined by the Police Chief subject to the review of the Oneida Police Commission, and said requirements shall reflect the needs of the Nation in order to protect all persons and property. The proposed amendments to the Law move all provisions regarding the use of firearms to section 301.11 of the Law. The proposed amendments to the Law provide that the Oneida

Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards. [3 O.C. 301.11-1]. Section 301.11-2 of the proposed amendments to the Law remain the same except for minor non-substantive updates.

- *Effect.* Overall, the proposed amendments to the Law referencing the usual and current accepted law enforcement standards instead of including language within the Law itself ensures that the law enforcement practices of the Nation stay up to date without having to amend the Law. ‘

**M. Other Amendments.** Overall, a variety of other amendments and revisions were made to the Law to address formatting, drafting style, and organization that did not affect the substance of the Law.

## SECTION 6. EXISTING LEGISLATION

**A. Other Related Laws of the Nation.** The following laws of the Nation are related to the proposed amendments to this Law.

- *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and Procedures is to provide for the Nation’s employee related policies and procedures including recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping.
  - Section III of the Oneida Personnel Policies and Procedures provides for the Oneida preference and Indian preference in hiring statement of the Nation. Section 301.5-1(a) provides that all positions and appointments of the Oneida Police Department shall be subject to Indian preference in hiring, except that the following positions shall be held only by members of the Nation: Police Chief; Assistant Chief; and Police Lieutenant.
  - This Law clarifies that disciplinary actions for law enforcement officers is governed by section 301.9 pf this Law, while disciplinary actions of non-sworn personnel of the Oneida Police Department shall be governed by the Nation’s laws, policies, and rules governing employment.
- *Boards, Committees, and Commissions Law.* The Boards, Committees, and Commissions law governs boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees, and commissions [1 O.C. 105.1-1].
  - Section 301.6 of this Law establishes the Oneida Public Safety and Security Commission.
  - The Oneida Public Safety and Security Commission is required to comply with all provisions of the Boards, Committees, and Commissions law.

## SECTION 7. OTHER CONSIDERATIONS

**A. Bylaws of the Oneida Public Safety and Security Commission.** With the expansion of the Oneida Police Commission into the Oneida Public Safety and Security Commission provided through the proposed amendments to this Law, the bylaws of the Commission will need to be updated. Specifically, section 301.6-5 of the Law states that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. The Boards, Committees, and Commissions law provides the requirements that must be followed for bylaws of a board, committee, or commission. [1 O.C. 105.10]. In May of 2024, the Legislative Operating Committee collaborated with the Oneida Law Office and the Government Administrative Office to

discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation. The Legislative Operating Committee no longer processes amendments to bylaws for boards, committees, and commissions of the Nation, as it was determined that the Government Administrative Office and the board, committee, or commission's assigned attorney from the Oneida Law Office will instead assist in developing amendments to bylaws. This change in process will allow bylaw amendments to be directly placed on an Oneida Business Committee meeting agenda for approval which streamlines the process.

- *Conclusion.* In an effort to eliminate any gaps between the adoption of amendments to this Law, and updated bylaws being adopted for the new Oneida Public Safety and Security Commission, the adopting resolution for the amendments to the Law provides:

**"NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments to the Oneida Nation Law Enforcement Ordinance, now known as the Law Enforcement law, which shall become effective on August 20, 2025.

**BE IT FURTHER RESOLVED,** effective on August 20, 2025, the Oneida Police Commission shall hereby be expanded into and known as the Oneida Public Safety and Security Commission

**BE IT FURTHER RESOLVED,** the Oneida Law Office shall provide bylaws for the Oneida Public Safety and Security Commission for consideration of adoption by the Oneida Business Committee by August 20, 2025."

- B. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, "*Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures Act,*" provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

- *Conclusion.* The Legislative Operating Committee received a fiscal impact statement from the Finance Department on April 30, 2025.

**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**

#

301.1-1 Purpose and Policy

301.2-1 Adoption, Amendment, Repeal

301.3-1 Definitions

301.4-1 General Principles

301.5-1 Oneida Police Department

301.6-1 Oneida ~~Police~~Public Safety and Security Commission

301.7-1 Appointment of Law Enforcement Officers

301.8-1 Promotion of Law Enforcement Officers

301.9-1 Disciplinary Proceedings

301.10-1 Administrative Leave

301.11-1 Firearms Control

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**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.

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

(d) “Nation” means the Oneida Nation.

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

~~(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.~~

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

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

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

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

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

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

#### 301.4. General Principles-

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

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

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

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

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

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

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

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

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

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

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

### 301.5. Oneida Police Department

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

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

(1) Police Chief.~~The;~~

(2) Assistant Police Chief; and

(3) Police Lieutenant.

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

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

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

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

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

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

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

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



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

(B) Member of the Nation;

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

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

(ii) those with successful supervisory experience;

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

(E) Current satisfactory psychological examination report;

(F) Current satisfactory medical examination report;

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

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

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

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

301.5-3.— Law Enforcement Officers.

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

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

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

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

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

(1) Conditional employees are not eligible for promotion.

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

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



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

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

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

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

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

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

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

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

301.6-1. ~~Oneida Police Commission. Establishment.~~ There is hereby established an Oneida ~~Police~~ 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 as identified in the bylaws of the Oneida Public Safety and Security Commission.

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

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

(a) Be a member of the Nation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Oneida Public Safety and Security Commission, or its designee, shall be responsible for the hiring and supervision of the Internal Security Director, in conformance

with the Nation's employment laws, policies, and practices.

~~301.6-6. Removal From Office. (k) Review contracts, and forward to the Oneida Business Committee for approval, concerning cross-deputization, dispatch function and mutual aid pacts which are made between the Oneida Police Department and a non-tribal agency.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) Malfeasance in office;~~

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

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

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

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

301. Process for 7. Appointment as Police Chief.

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

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

~~(1) Current certification in the State of Wisconsin as a law enforcement officer or upon approval from State of Wisconsin Standards Board.~~

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

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

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

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

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

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

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

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

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

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

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

(a) ~~\_educational requirements;~~

(b) ~~\_satisfactory background investigation;~~

(c) ~~\_psychological examination;~~ and

(d) ~~\_medical certification.~~

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

(a) ~~\_application process;~~

(b) ~~\_application screening;~~

(c) ~~\_written test procedures;~~

(d) ~~\_oral interviews;~~

(e) ~~\_physical agility testing;~~

- (f) background investigation;
- (g) conditional offer of employment; and
- (h) psychological and medical testing.

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

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

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

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

301.7-6.— Eligibility List.

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

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

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

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

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

301.7-7.— Commencement of Background Investigation.

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

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

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

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

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

301.8.— Promotion of Law Enforcement Officers



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

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

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

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

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

#### **301.9-1.— ~~Purpose.~~**

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

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

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

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

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

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

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

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

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

~~(c) The Oneida Police Commission has the right to extend hearing dates for Just Cause~~

Standard. Just cause-

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

- ~~(a) The Oneida Police Commission shall have legal counsel and a court reporter present at all formal proceedings.~~
- ~~(b) The Oneida Police Commission has the authority to subpoena witnesses.~~
- ~~(c) Hearing procedures that may be unique to a particular hearing shall be established prior to the hearing.~~
- ~~(d) Disciplinary hearings shall be open, except where:~~
  - ~~(1) the person subject to discipline requests in writing that the hearing be closed;~~
  - ~~or~~
  - ~~(2) the Police Chief requests in writing that the hearing be closed and indicates that confidential police matters are involved.~~
- ~~(e) Commissioners shall not discuss the disciplinary matter with anyone outside the Commission until the hearing is completed and a decision is filed.~~

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

- ~~(a) Notice of charges that have been made, or will be made, as well as actions that will or may be taken against the individual.~~
- ~~(b) The right to a hearing to respond to the charges.~~
- ~~(c) The right to representation at the individual's expense.~~
- ~~(d) The right to confront and cross-examine his/her accusers.~~
- ~~(e) The right to present evidence and argue his/her view of the facts.~~

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

- ~~(a) A pre-hearing conference shall be scheduled at least five (5) working days before the hearing. The law enforcement officer and the complainant shall be notified in writing of the pre-hearing conference and both may be represented.~~
- ~~(b) The is determined using the following matters shall be accomplished at the conference.~~
  - ~~(1) Witness lists and any prior written or recorded statements or reports of witnesses will be exchanged between the parties or their representatives.~~
  - ~~(2) Exhibit lists will also be exchanged between the parties or their representatives, and each party and/or their representative shall be permitted to physically inspect all exhibits of the other party.~~
  - ~~(3) Witnesses or exhibits not on the pre-hearing conference lists may not be introduced at the hearing unless the Oneida Police Commission determines that the party or their representative can demonstrate a satisfactory reason for the inclusion of such witness or exhibit on the list(s) submitted at the pre-hearing conference.~~
  - ~~(4) In the absence of the party or representative at the pre-hearing conference, the Oneida Police Commission shall dismiss the charges unless the party or representative can demonstrate a satisfactory reason for non-appearance.~~

~~301.9-6. Hearing Procedure.~~

- ~~(a) The nature of a law enforcement agency requires the highest level of public trust, As a result, hearings will be open to the public to allow the public to be reassured that hearings are conducted under the highest standards of objectiveness and reason, to the extent possible:~~
- ~~(b) The President of the Oneida Police Commission has the duties of:~~
  - ~~(1) Presiding over the hearing.~~
  - ~~(2) Maintaining order.~~
  - ~~(3) Insuring that the hearing is fair and impartial.~~

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

~~(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

301.9-9. Evidentiary Hearing.

(a) Hearing Procedures.

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

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

the Commission.

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

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

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

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

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

(1) Reading of the charges by the president.

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

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

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

(5) Closing arguments.

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

(a) Finding of Fact.

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

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

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

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

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

(1) — Verbal consultation;

(2) — Written reprimand;

(3) — Suspension without pay;

(4) — Demotion in rank; or

(5) — Termination of employment.

(e) Announcement of Decision. The Oneida Police Commission's findings shall be in

694 ~~writing~~ Public Safety and include:

- 695 (1) A statement of all charges filed.
- 696 (2) The specific rule(s), policy(s), or standard(s) of conduct violated.
- 697 (3) A list of charges that the ~~Oneida Police~~ Security Commission ~~found were proven~~ shall
- 698 announce its decision in open session.
- 699 (4) A summary of the disciplinary actions considered ~~(f) Appeal of Decision. Any~~
- 700 law enforcement officer suspended, demoted, reassigned, or removed by the
- 701 ~~Oneida Police Commission.~~
- 702 (5) The disciplinary action ordered by the ~~Oneida Police Commission~~ Public Safety
- 703 and ~~any special actions attached to the approved disciplinary action.~~
- 704 (d) ~~In acting on a complaint including a request for termination of employment, filed with~~
- 705 ~~the Oneida Police Commission, the Oneida Police~~ Security Commission may:
- 706 (1) ~~Dismiss~~ appeal from the complaint.
- 707 (2) ~~Dismiss or modify certain charges filed.~~
- 708 (3) ~~Conclude that~~ order of the testimony Oneida Public Safety and ~~evidence sustain~~
- 709 the charges and impose a penalty.
- 710 (4) ~~Allow the Oneida Police Commission the power to hire an outside agency to~~
- 711 ~~conduct the investigation of allegations against the Police Chief.~~
- 712 301.9-9. ~~Appeals of Commission Findings. Appeals of Oneida Police Commission's~~
- 713 ~~ruling shall be made~~ Security Commission to the Judiciary.

714

715 **301.10.— Administrative Leave of Law Enforcement Officers.—**

716 301.10-1.— General. Administrative leave is an action commenced by the Police Chief affecting

717 the status of a law enforcement officer. ~~A law enforcement officer is temporarily relieved of all~~

718 law enforcement powers while on administrative leave. ~~The law enforcement officer continues to~~

719 receive salary and is responsible to report to the Police Chief or perform other duties as assigned.

720 Administrative leave does not denote wrong-doing on the part of the law enforcement officer.

721 301.10-2.— Applicability. Administrative leave may only be ordered in the following

722 circumstances:

- 723 (a) ~~The law enforcement officer poses a threat to themselves or others.~~
- 724 (b) ~~The law enforcement officer is alleged to have committed a violation(s) which calls~~
- 725 ~~for termination of~~ his or her their employment as a law enforcement officer and the matter
- 726 is under investigation.
- 727 (c) ~~The law enforcement officer is alleged to have committed a violation(s) that is under~~
- 728 investigation and that would cause a loss of public trust in the Oneida Police Department.
- 729 (d) ~~The law enforcement officer is under investigation for alcohol or drug abuse.~~
- 730 (e) ~~The law enforcement officer is under investigation for insubordination, untruthfulness,~~
- 731 ~~or commission of a crime.~~
- 732 (f) ~~The law enforcement officer demonstrates behavior indicating the law enforcement~~
- 733 ~~officer is unfit for duty.~~

734 301.10-3.— Duration of Administrative Leave.

- 735 (a) ~~In cases where the law enforcement officer is under formal investigation, the law~~
- 736 ~~enforcement officer~~ will shall remain on administrative leave until the investigation is
- 737 completed.
- 738 (1) ~~If the investigation results in allegations being sustained, the law enforcement~~
- 739 ~~officer~~ will shall remain on administrative leave pending issuance of discipline.

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

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

**301.11.—Firearms Control.**

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

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

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

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

*End.*

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Adopted - BC -10-10-01-C  
Revisor Correction 2004  
Amended – BC-02-25-15-C  
Amended – BC- - - -

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

#

301.1-1 Purpose and Policy  
301.2-1 Adoption, Amendment, Repeal  
301.3-1 Definitions  
301.4-1 General Principles  
301.5-1 Oneida Police Department  
301.6-1 Oneida Public Safety and Security Commission

301.7-1 Appointment of Law Enforcement Officers  
301.8-1 Promotion of Law Enforcement Officers  
301.9-1 Disciplinary Proceedings  
301.10-1 Administrative Leave  
301.11-1 Firearms Control

#

#

**301.1. Purpose and Policy**

301.1-1. *Purpose.* The purpose of this law is to regulate the conduct of the 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 was adopted by the Oneida Business Committee by resolution BC-10-10-01-C and amended by resolution BC-02-25-15-C and BC-\_\_-\_\_-\_\_.

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

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. 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 law is adopted under authority of the Constitution of the Oneida Nation.

**301.3. Definitions**

301.3-1. 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) "Certified 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) "Commissioner" shall mean a member of the Oneida Public Safety and Security Commission.

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

(d) "Nation" means the Oneida Nation.

(e) "Non-sworn personnel" means an individual employed with the Oneida Police Department that does not meet the qualifications for a certified law enforcement officer.



(f) “Oneida Public Safety and Security Commission” means the entity made up of those individuals appointed by the Oneida Business Committee to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation.

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

(h) “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

#### **301.4. General Principles**

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

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

(a) there is a potential that the safety and welfare of an individual is being compromised;

(b) the law enforcement operations occur pursuant to mutual aid agreements with local governments; or

(c) the law enforcement operations occur pursuant to any other jurisdictional exception.

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

301.4-4. The Nation shall appoint and employ law enforcement personnel within its boundaries as it deems necessary for the purpose of detecting and preventing crime and enforcing the laws of the Nation, in addition to protection of persons, property, and premises.

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

#### **301.5. Oneida Police Department**

301.5-1. There is hereby established an Oneida Police Department which is delegated all law enforcement authority of the Nation. The Oneida Police Department may create divisions of operation as may be deemed appropriate.

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

(1) Police Chief;

(2) Assistant Police Chief; and

(3) Police Lieutenant.

301.5-2. *Oneida Police Chief.* The Oneida Police Department shall be headed by a Police Chief, appointed pursuant to this law.

(a) The Police Chief shall have authority over departmental personnel and operations, subject to the authority of the Oneida Public Safety and Security Commission.

(b) *Qualifications and Process for Appointment as Police Chief.*



(1) The recruitment and hiring process for Police Chief shall be conducted by the Oneida Public Safety and Security Commission, with assistance, as needed, by the Human Resources Department.

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

(A) Current certification in the State of Wisconsin as a law enforcement officer or upon approval from the applicable State of Wisconsin Standards Board;

(B) Member of the Nation;

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

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

(ii) those with successful supervisory experience;

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

(E) Current satisfactory psychological examination report;

(F) Current satisfactory medical examination report;

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

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

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

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

### 301.5-3. *Law Enforcement Officers.*

(a) *Educational Requirements.* All persons shall meet the following minimum education requirements within five (5) years of their hire date:

(1) Possess a two (2) year associate degree from an accredited vocational, technical, or adult education district; or

(2) Possess documentation in the form of an official transcript showing a minimum of sixty (60) fully accredited college level credits; or

(3) Possess a bachelors degree from accredited college or university.

(b) *Conditional Employment.* Any person who is not a certified law enforcement officer at the time of hire, is considered a conditional employee and shall attain the educational requirements as specified in section 301.5-3(a), within five (5) years of their date of hire.

(1) Conditional employees are not eligible for promotion.

(2) Law enforcement officers who fail to attain the educational requirements within five (5) years of their date of hire shall be subject to immediate termination.

(c) *Educational Requirement for Police Supervisors.* Upon enactment of this law, no law

enforcement officer may be considered eligible for promotion to supervisor until the educational requirements of section 301.5-3(a) have been satisfied. Law enforcement officers promoted prior to the enactment of this law are exempt from the educational requirements specified in section 301.5-3(a).

301.5-4. *Liability Coverage.* To the extent the Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers.

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

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

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

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

### **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 as identified in the bylaws of the Oneida Public Safety and Security Commission.

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

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

(a) Be a member of the Nation;

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

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

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

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

(3) A conviction of any law violation that could bring discredit to the Oneida Public

- 188 Safety and Security Commission; or  
189 (4) Any pardon issued by the Nation or the governor of any State, for an offense  
190 specified in sections 301.6-4(c)(1)-(3), shall not deem a person as “exonerated” for  
191 the purposes of membership on the Oneida Public Safety and Security Commission;  
192 (d) Not be employed with or terminated from the Oneida Police Department, Internal  
193 Security Department, or any other public safety operation overseen by the Oneida Public  
194 Safety and Security Commission;
- 195 **301.6-4. Responsibilities in Regard to the Oneida Police Department.** The Oneida Public Safety  
196 and Security Commission shall be responsible for and empowered to do the following in regard to  
197 the Oneida Police Department:
- 198 (a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.
  - 199 (b) Approve all law enforcement officer appointments made by the Police Chief including  
200 the promotion of subordinates.
  - 201 (c) Approve an eligibility list of individuals determined to be eligible for appointment as a  
202 law enforcement officer or promotion.
  - 203 (d) Hear charges filed against law enforcement officers of the Police Department, whether  
204 filed by the Oneida Public Safety and Security Commission or the Police Chief, make  
205 findings and determinations, and impose penalties, up to and including termination.
  - 206 (e) Hear appeals of disciplinary actions against any sworn law enforcement officers.
    - 207 (1) The Oneida Public Safety and Security Commission shall not have authority  
208 over disciplinary actions of non-sworn personnel.
  - 209 (f) Adopt standard operating procedures governing the Oneida Public Safety and Security  
210 Commission’s management of its own activities.
- 211 **301.6-5. Responsibilities in Regard to the Internal Security and Other Departments.** The  
212 responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal  
213 Security Department or any other safety operation department of the Nation shall be provided for  
214 in the Oneida Public Safety and Security Commission bylaws.
- 215 (a) The Oneida Public Safety and Security Commission, or its designee, shall be  
216 responsible for the hiring and supervision of the Internal Security Director, in conformance  
217 with the Nation’s employment laws, policies, and practices.
- 218 **301.6-6. Removal From Office.** A member of the Oneida Public Safety and Security Commission  
219 may have their appointment terminated by the Oneida Business Committee for:
- 220 (a) Misconduct in office;
  - 221 (b) Conduct which could jeopardize the reputation of the Nation, the Oneida Public Safety  
222 and Security Commission, or the public safety system;
  - 223 (c) Any change in status which would place the Commissioner in conflict with the  
224 qualifications specified in section 301.6-3(c) above; or
  - 225 (d) Violation of the confidentiality of closed hearings or any other information declared  
226 confidential by the Oneida Public Safety and Security Commission.

227  
228 **301.7. Appointment of Law Enforcement Officers**

229 **301.7-1. Job Task Analysis.** The Police Chief shall develop a job task analysis (job description)  
230 for law enforcement officers and submit the job task analysis to the Oneida Public Safety and  
231 Security Commission for approval.

232 **301.7-2. Hiring Criteria.** Hiring criteria for law enforcement officers, shall be developed by the  
233 Oneida Public Safety and Security Commission and implemented by the Police Chief. The hiring

criteria shall include, but not be limited to, the following:

- (a) educational requirements;
- (b) satisfactory background investigation;
- (c) psychological examination; and
- (d) medical certification.

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

- (a) application process;
- (b) application screening;
- (c) written test procedures;
- (d) oral interviews;
- (e) physical agility testing;
- (f) background investigation;
- (g) conditional offer of employment; and
- (h) psychological and medical testing.

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

- (a) The Police Chief shall make a request for the hiring of additional law enforcement personnel through the Human Resources Department processes.
- (b) Upon receiving approval, the Police Chief shall make a formal request to the Human Resources Department for posting the position(s) available. The current job task analysis, hiring criteria, and hiring process outline shall be submitted to the Human Resources Department by the Police Chief.

301.7-5. *Process.* All phases of the hiring process shall be conducted in accordance with the hiring process outline. Duties and responsibilities of persons involved in the process shall be specified in the outline.

301.7-6. *Eligibility List.*

- (a) Upon completion of all screening steps of the hiring process outline, a list shall be compiled of all candidates based on cumulative scores earned by each applicant in all graded or scored steps of the current hiring process.
- (b) Candidates shall be ranked in inverse numerical order, that is the candidate with the highest cumulative score is ranked "1", the candidate with the second highest cumulative score is ranked "2", etc.
- (c) The list shall be reviewed and approved by the Oneida Public Safety and Security Commission and submitted to the Police Chief.
- (d) The eligibility list will be valid for one (1) year from the date it was compiled.
- (e) The order of appointment of applicants to the position of law enforcement officers shall follow the order of the eligibility list contingent upon satisfactory background investigation, psychological testing, and medical testing.

301.7-7. *Commencement of Background Investigation.*

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

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

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

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

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

### **301.8. Promotion of Law Enforcement Officers**

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

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

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

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

### **301.9 Disciplinary Proceedings for Law Enforcement Officers**

301.9-1. Disciplinary actions for law enforcement officers shall be governed by this provision of the Law. Disciplinary actions of non-sworn personnel of the Oneida Police Department shall be governed by the Nation's laws, policies, and rules governing employment.

301.9-2. *Just Cause Standard.* Just cause is determined using the following standards, to the extent possible:

(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.

301.9-3. *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) 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 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.

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

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

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

301.9-8. *Scheduling Conference*.

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

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

- (1) Establishing the date(s) of the evidentiary hearing;
- (2) Setting up deadlines to exchange witness lists and any prior written or recorded statements or reports of witnesses;
- (3) Setting up deadlines to identify and exchange exhibits;
- (4) Setting up any discovery deadline. Prehearing discovery is permitted.
- (5) Establishing the process and deadlines to request the Oneida Public Safety and Security Commission to issue subpoenas. The Oneida Public Safety and Security Commission chairperson has the power to issue subpoenas to compel the attendance of witnesses;
- (6) Arranging for the recording of the testimony. The hearing shall be transcribed by a court reporter or otherwise recorded to preserve the evidence in case of an appeal to the Trial Court; and
- (7) Determining if there are any objections to any Oneida Public Safety and Security Commission member participating in the hearing, deliberations, or decision and the basis for such objections.

301.9-9. *Evidentiary Hearing*.

(a) *Hearing Procedures*.

- (1) The evidentiary hearing shall be conducted in open session.
- (2) Following the evidentiary hearing, the deliberations of the Oneida Public Safety and Security Commission may be conducted in closed session at the discretion of the Commission.
- (3) The Commission's vote following deliberations may take place in closed



session, unless the charged party demands that the vote take place in open session.  
(4) A record of the proceedings shall be created by the Commission. Exhibits introduced shall be marked with a docket number and exhibit number in sequence of introduction.

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

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

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

(1) Reading of the charges by the president.

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

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

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

(5) Closing arguments.

### 301.9-10. *Deliberations, Findings, Conclusions, Orders from Hearing.*

(a) *Finding of Fact.*

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

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

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

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

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

(1) Verbal consultation;

(2) Written reprimand;

(3) Suspension without pay;

(4) Demotion in rank; or

(5) Termination of employment.

(e) *Announcement of Decision.* The Oneida Public Safety and Security Commission shall announce its decision in open session.

(f) *Appeal of Decision.* Any law enforcement officer suspended, demoted, reassigned, or

removed by the Oneida Public Safety and Security Commission may appeal from the order of the Oneida Public Safety and Security Commission to the Judiciary.

### **301.10. Administrative Leave of Law Enforcement Officers**

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

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

- (a) The law enforcement officer poses a threat to themselves or others.
- (b) The law enforcement officer is alleged to have committed a violation(s) which calls for termination of their employment as a law enforcement officer and the matter is under investigation.
- (c) The law enforcement officer is alleged to have committed a violation(s) that is under investigation and that would cause a loss of public trust in the Oneida Police Department.
- (d) The law enforcement officer is under investigation for alcohol or drug abuse.
- (e) The law enforcement officer is under investigation for insubordination, untruthfulness, or commission of a crime.
- (f) The law enforcement officer demonstrates behavior indicating the law enforcement officer is unfit for duty.

301.10-3. *Duration of Administrative Leave.*

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

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

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

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

### **301.11. Firearms Control.**

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

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

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

(b) Said requirements shall reflect the needs of the Nation in order to protect all persons

and property.

*End.*

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Adopted - BC -10-10-01-C  
Revisor Correction 2004  
Amended – BC-02-25-15-C  
Amended – BC-\_\_-\_\_-\_\_-\_\_

# FINANCE ADMINISTRATION

## Fiscal Impact Statement



## MEMORANDUM

TO: Oneida Business Committee

FROM: RaLinda Ninham-Lamberies, Chief Financial Officer

DATE: April 29, 2025

RE: **Fiscal Impact Statement of the Oneida Nation Law Enforcement Ordinance Amendments**

### I. Estimated Fiscal Impact Summary

Law: Oneida Nation Law Enforcement Ordinance Amendments		Draft 3
<b>Implementing Agency</b>	Oneida Police Department Oneida Police Commission Internal Security Department	
<b>Estimated time to comply</b>	10 days	
<b>Estimated Impact</b>	<b>Current Fiscal Year</b>	<b>10 Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	\$0	\$0

### II. Background

This Law was adopted by the Oneida Business Committee by resolution BC -10-10-01-C in 2001, Revisor Correction 2004, and amended by resolution BC-02-25-15-C in 2015.

The purpose of this Law is to regulate the conduct of the Nation's law enforcement personnel according to the highest professional standards. The amendments to the legislation include the following:

- A policy statement was added to the Law.
- Law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers.
- Remove the requirement that Police Sergeant positions be held by members of the Oneida Nation.
- A new provision was added that requires the Oneida Public Safety and Security Commission to appoint an interim Police Chief upon the removal, retirement, or resignation of a Police Chief.
- Clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers.

- Allow for the sworn oath of a law enforcement officer to take place at a regular or special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary.
- Rename and expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Oneida Police Department, Internal Security Department, and any other public safety operation department of the Oneida Nation.
- Revise the eligibility qualifications for Oneida Public Safety and Security Commission members.
- Revise the responsibilities of the Oneida Public Safety and Security Commission regarding the Oneida Police Department.
- Provide that the responsibilities of the Oneida Public Safety and Security Commission regarding the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws.
- Revise the disciplinary proceedings for law enforcement officers.
- Move all provisions regarding the use of firearms to section 301.11 of the Law and provide that the Oneida Police Department may allow law enforcement use of service firearms to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards.

### **III. Methodology and Assumptions**

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

### **IV. Findings**

This Law has been in place since 2001. There are no start-up costs, no increases in personnel are needed, and no increases in office or documentation costs.

### **V. Financial Impact**

There is no fiscal impact of implementing this legislation.

### **VI. Recommendation**

Finance does not make a recommendation about a course of action in this matter. Rather, the purpose of a fiscal impact statement is to disclose the potential fiscal impact of the action so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.



Legislative Operating Committee  
May 7, 2025

# Hunting, Fishing, and Trapping Law Amendments

<b>Submission Date:</b> 12/7/22	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Jonas Hill	<b>Emergency Enacted:</b> N/A

**Summary:** *This item was carried over from last term. On August 10, 2022, the OBC made a motion “to direct the General Manager to complete the assessment regarding the feasibility of the Environmental, Health, Safety, Land, & Agriculture Division taking on the roles of the Environmental Resources Board and for the assessment to be submitted at the second meeting Business Committee meeting in September”. In short, the GM concluded that although changes were necessary to those Oneida laws that delegated the authority and responsibility to the Environmental Resources Board (ERB), those responsibilities that were jointly executed by the ERB and Environmental, Health, Safety, and Land Division (EHSLA), could be assumed by EHSLA. Additionally, for those duties that delegated ERB the power and duty to carry out the intent and purposes of the law, including enforcement, those responsibilities could be delegated to EHSLA and/or the Land Commission.*

*On September 28, 2022, the OBC made a motion to accept the Environmental, Health, Safety, Land, and Agriculture Environmental Resource Board assessment; to recommend the dissolution the Environment Resource Board; and to direct Chief Counsel to bring back a report in 45 days on actions that need to take place in order to complete the dissolution of the Environmental Resource Board including amendments to laws and addressing any background material. The Oneida Law Office provided this report to the Oneida Business Committee on November 29, 2022.*

*This item was then added to the Active Files List on December 7, 2022, in an effort to make amendments to address the dissolution of the Environmental Resources Board, and transition the Board’s responsibilities to the Environmental, Health, Safety, Land and Agriculture Division and/or the Oneida Land Commission.*

**12/7/22 LOC:** Motion by Jennifer Webster to add the Hunting, Fishing, and Trapping law amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Marie Cornelius. Kirby Metoxen abstained. Motion carried.

**10/4/23 LOC:** Motion by Jennifer Webster to add the Hunting, Fishing, and Trapping Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

**1/3/24:** *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jennifer Webster, Jonas Hill, Kirby Metoxen Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was for Jonas Hill to provide an update on a meeting he had with EDSLAD Division Director regarding the division taking on the responsibilities of ERB.

- 4/3/24 LOC:** Motion by Jennifer Webster to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on June 5, 2024; seconded by Jonas Hill. Motion carried unanimously.
- 5/1/24 LOC:** Motion by Jennifer Webster to approve the revised LOC community meeting notice and reschedule the community meeting to take place on June 4, 2024.; seconded by Kirby Metoxen. Motion carried unanimously.
- 5/10/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Maureen Perkins, Fawn Cottrell, Kristal Hill. The purpose of this meeting was to discuss the fact that the June 4<sup>th</sup> community meeting and the fact that there is a budget meeting scheduled the same day and determine whether we want to continue with holding this community meeting. The LOC decided to proceed with the community meeting as scheduled.
- 5/30/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to prepare for the June 4, 2024, LOC community meeting and come up with potential discussion questions.
- 6/4/24:** *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Marena Bridges, Ike Jordan, Jurt Jordan, Carl Jordan, Bonnie Pigman, Margaret King, Denise Johnson, Jeff Jordan, Francis Cornelius, Duane Skenandore Jr., Sidney White, Louis Clark, Tsyoshaat Delgado, Kristin Skenandore, Shad Webster, Chris Jordan, Lois Strong, Xavier Horkman, Lisa Summers, and others. The Legislative Operating Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Hunting, Fishing, and Trapping law amendments and a new Guardianship law.
- 12/9/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Mark Powless, Eric McLester, Shad Webster, Terry Metoxen, Eric Boulanger, Joel Maxam, Ronald King Jr., Nicole Rommel, Maureen Perkins, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to read through the law and begin discussions on potential amendments to be made to the law.
- 1/14/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Eric McLester, Shad Webster, Terry Metoxen, Joel Maxam, Ronald King Jr., Kelly McAndrews, Maureen Perkins, Kristal Hill, Fawn Cottrell,. The purpose of this work meeting was to read through the proposed amendments to the law discussed during the last work meeting, and continue discussions on potential amendments to be made to the law.
- 2/3/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Kristal Hill, Maureen Perkins, Grace Elliott, Carolyn Salutz, Fawn Billie. The purpose of this work meeting was to select the topics for the March 5<sup>th</sup> LOC community meeting. The LOC decided the topics to be discussed should include: Elder Protection law, Indian Preference in Contracting law amendments, and Hunting, Fishing, and Trapping law amendments.
- 2/24/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Mark Powless, Eric McLester, Shad Webster, Terry Metoxen, Eric Boulanger, Joel Maxam, Ronald King Jr., Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to continue reading through the proposed amendments to the law and continue discussions on potential amendments to be made to the law.
- 3/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Metoxen, Clorissa Leeman, Shad Webster, Nicole Rommel, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review the PowerPoint presentation for the



March 19<sup>th</sup> LOC community meeting. Shad also went over some ideas for how the Department can better handle licensing in the future.

**4/16/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review and finalize the draft of the proposed amendments to the Hunting, Fishing, and Trapping law.

**5/1/25:** *Work Meeting.* Present: Clorissa Leeman, Shad Webster. The purpose of this work meeting was to collect some of Conservation's final comments on the proposed draft of amendments to the law.

**Next Steps:**

- Approve the draft of proposed amendments to the Hunting, Fishing, and Trapping law and direct that a legislative analysis be completed.

**Title 4. Environment and Natural Resources – Chapter 406**  
**HUNTING, FISHING AND TRAPPING**  
**Lutolátha?, Latsywáaha? O?khále Atlistáya Tsi? Kayanláhsla**  
*Our laws concerning hunting, fishing and trapping*  
**HUNTING, FISHING, AND TRAPPING**

406.1. Purpose and Policy  
406.2. Adoption, Amendment, Repeal  
406.3. Definitions  
406.4. Jurisdiction  
406.5. Administration and Supervision

406.6. Licenses and Permits  
406.7. General Regulations  
406.8. Wildlife Damage and Nuisance Control  
406.9. Hunting  
406.10. Enforcement and Penalties

**406.1. Purpose and Policy**

406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, respect for both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of this law the Nation to provide:

- (a) An adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and
- (b) An enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules.

**406.2. Adoption, Amendment, Repeal**

406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-8-31-94-C, and amended by resolutions BC-4-24-96-A, BC-7-22-98-A, BC-09-13-00-D, BC-6-04-03-A, BC-6-30-04-I, BC-7-13-05-E, BC-8-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D and, BC-07-26-17-F , and BC- - - - -.

406.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

406.2-3. 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.

406.2-4. 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.

406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**406.3. Definitions**

406.3-1. 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) “Aircraft” means a conveyance that can travel through the air and that is supported either by its own lightness or by the action of the air against its surfaces. The term includes hovercraft and both manned aircraft such as airplanes and helicopters and unmanned aircraft such as drones.

(b) “Barrel Length length” means the length of a gun’s barrel as measured from the muzzle to the firing pin with the action closed, or from the muzzle to the breech face.

(c) ~~“ERB”~~ “Bodily harm” means physical pain or injury or any impairment of the Environmental Resources Board physical condition.

(d) “Daily Bag Limit bag limit” means the maximum number of a species of wildlife that

a person may take during a twenty-four (24) hour period measured from midnight to midnight.

(e) “Department” means the Oneida Conservation Department.

(f) “Dependent” means a person under the age of eighteen (18) who is the child or step-child of a Tribal member or who lives with a Tribal member for more than half of the year.

~~(g) “Designated Hunter”~~ (g) “Descendant” means a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation.

~~(h) “Designated hunter”~~ means the person named by a permittee as authorized to harvest wildlife on behalf of the permittee pursuant to the permit held by the permittee.

~~(hi)~~ “Elder” means any person fifty-five (55) years of age or older.

~~(ij)~~ “Endangered or ~~Threatened~~ threatened” means any species of wildlife within the reservation in danger of extinction or likely to become in danger of distinction as recognized by ~~ERB and~~ the Department and under federal law.

~~(jk)~~ “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law, ~~which is payable to ERB or the Department within the amount of time designated by the rules.~~

~~(kl)~~ “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or harvest fish of any variety in any manner.

~~(m)~~ “(m) “Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

~~(n)~~ “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wildlife.

~~(no)~~ “License” means a written document issued by the Department granting authority to engage in specific activities covered under this law and the rules created pursuant to this law.

~~(np)~~ “Loaded” means any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, magazine, or clip.

(1) Muzzleloading firearms may not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver.

(2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan is cleaned of powder.

~~(eq)~~ “Nation” means the Oneida Nation.

~~(pr)~~ “Non-Indian” means a person who is not a member of any federally recognized Indian tribe, band, or community.

~~(qs)~~ “Non-Member Indian” means a person who is a member of a federally recognized Indian tribe, band, or community other than this Nation.

~~(rt)~~ “Nuisance Animal” means any wildlife causing and one (1) or combination of the following:

(1) Damage to property;

(2) Damage to or endangered or threatened species of wildlife and/or plants;

(3) Depredation of crops and/or livestock; or

(4) Health and/or safety risks posed to persons.

~~(su)~~ “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the

confiscation of equipment and/or wildlife ~~with return of the same at the discretion of ERB~~, the imposition of a wildlife protection assessment (civil recovery value), revocation and/or ineligibility for licenses and/or permits for a specified period of time, and restitution.

(~~tv~~) “Permit” means a document, stamp or tag authorizing a specific activity which is issued by the Department to the holder of a license.

(~~uw~~) “Protected ~~Species~~species” means any species of wildlife that is not endangered or threatened, but for ~~which ERB~~the Department has established seasons, daily bag limits, or otherwise restricted the taking of.

(~~vx~~) “Reservation” means all the property within the exterior boundaries of the reservation of the Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(~~wy~~) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted by ~~ERB and/or~~ the Department in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law.

(~~xz~~) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including placing or setting any net or other capturing device), capturing, harvesting, snaring or trapping any wildlife, or attempting any of the foregoing.

(~~yaa~~) “Transport” means to bring or move from one place to another by means of carrying, dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.

(~~zbb~~) “Trapping” means the taking of, or attempting to take, any wildlife by means of setting or operating any device or mechanism that is designed, built, or made to close upon, hold fast, snare or otherwise capture wildlife.

(~~aacc~~) “Tribal ~~Land~~land” means any land within the reservation that is held in fee or in trust and is owned by the Nation, a Tribal member, or a non-member Indian.

(~~bbdd~~) “Tribal ~~Member~~member” means an enrolled member of the Nation.

(~~eece~~) “Vehicle” means any self-propelled conveyance that derives power from a motor and is used to transport persons or objects over land, including but not limited to, an automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle, moped or similar conveyance.

(~~ddff~~) “Warden” means an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources.

(~~gg~~) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or any part or carcass of the same.<sup>+</sup>

#### 406.4. Jurisdiction

406.4-1. This law applies to the following persons:

- (a) All Tribal members,
- (b) All non-member Indians,
- (c) All non-Indians who:
  - (1) apply for and receive a license and/or permit, and/or
  - (2) enter Tribal land,
- (d) All persons as otherwise permitted under federal law.

<sup>+</sup>For additional information, please reference the definition of “domestic animal” in the Nation’s Domestic Animal law; any animal that does not fall into the “domestic animal” classification is considered “wildlife” for the purpose of this law.

406.4-2. This law applies:

- (a) within the boundaries of the ~~reservation~~Reservation, and
- (b) on lands held in trust for the Nation outside the boundaries of the reservation.

406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the Nation's natural resources. ~~However,~~ this law shall not negate the jurisdiction of the State of Wisconsin in certain instances involving non-member Indians and non-Indians. ~~Thus,~~ to hunt, fish, or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation's license, permit, and tag requirements and may also be subject to the requirements of the State of Wisconsin. ~~License and permit holders may not exercise any hunting, fishing, or tapping privileges within the Reservation boundaries using a State of Wisconsin license that would amount to greater privileges than those~~ ~~afford~~afforded pursuant to this Law and associated rules.

#### 406.5. Administration and Supervision

406.5-1. ~~ERB and the~~The Department shall protect, manage, supervise, conserve, and enhance all wildlife within the reservation. ~~ERB and the~~The Department shall ~~jointly~~ establish and maintain the rules in accordance with the Administrative Rulemaking law that are required to implement this law. ~~The Department shall administer and enforce this law and the rules created pursuant to this law.~~

406.5-2. ~~-~~ Administrative Rulemaking Authority. In addition to any other duties delegated to ~~ERB and the~~ Department under this law, ~~jointly, ERB and the~~ Department ~~are~~is hereby ~~jointly~~ delegated ~~the~~ rulemaking authority in accordance with the Administrative Rulemaking law to:

- (a) Determine the types and number of licenses and permits that may be issued by the Department, including how many licenses and permits that may be issued to non-Indian hunters.
- (b) Establish a fee schedule and application requirements and deadlines for obtaining licenses and/or permits.
- (c) Establish or amend daily bag limits and possession limits based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest. ~~Restrictions in such rules may include, but are not limited to, limits related to gender, species, size, age, and maturity.~~
- (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any species in need of protection a protected species or an endangered or threatened species, and thereafter modify or revoke such declarations as may be appropriate.
- (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife. ~~Provided that ERB and the Department~~
  - (1) ~~The rules~~ shall ~~base the open season for the~~identify designated seasons and/or hunting of migratory birds on the Nation's agreement with the U.S. Fish hours for elder, disabled, and Wildlife Service youth hunts.
- (f) Establish and/or modify areas' territorial limits, including bodies of water or parts thereof, for any of the following, as may be necessary:
  - (1) the taking of wildlife;
  - (2) other specified areas, pursuant to the rules ~~jointly~~ developed by ~~ERB and the~~ Department.
- (g) Establish methods for checking persons into and out of areas specified under subsection (f) above.
- (h) Regulate the operation of boats upon reservation waters and the operation of vehicles and aircraft used while hunting, fishing, or trapping.

(i) Regulate and prescribe the means and methods by which wildlife may be taken, including, but not limited to, the use of:

- (1) bait;
- (2) decoys;
- (3) hunting dogs;
- (4) traps;
- (5) firearms;
- (6) ammunition;
- (7) laser sights; and
- (8) night vision.

(j) Regulate the transportation, registration, tagging, and storage of all wildlife within the reservation and the shipment or transportation of wildlife off the reservation.

(k) Prescribe safety and fire control measures and other rules as may be necessary for range, forest, or wildlife management, and/or for the safety and welfare of outdoor recreationists, landowners, lessees, occupants, and the Nation.

~~(l) Establish a process for retention, storage and disposal of items confiscated or turned over to the Department in accordance with this law and the rules established pursuant to this law.~~

~~(m)~~(l) Establish a citation schedule that sets the monetary fines and penalties for violations of this law and/or the rules established pursuant to this law.

~~(n)~~(m) Regulate use of recovery and retrieval services and methods.

~~(o)~~(n) Regulate the care and husbandry of animals used to hunt or animals used for private game hunting.

~~(p)~~(o) Create other rules as specifically directed throughout this law or as may be necessary to implement this law. ~~ERB shall provide notice of said rules on the Nation's website and ERB and/or the Department shall develop a rule booklet, which the Department shall provide to each person receiving a license or permit pursuant to this law.~~

406.5-3. Oneida Police Department Officers and Wardens. Oneida Police Department officers and/or wardens shall enforce this law and corresponding rules on the reservation, and, accordingly shall:

- (a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the methods and equipment utilized are lawful.
- (b) Investigate reports of violations of wildlife and environmental laws, including, but not limited to, this law and corresponding rules.
- (c) Work to prevent persons from violating this law and/or the corresponding rules.
- (d) Issue warnings and/or citations, which may include fines and/or penalties, for violations of this law and/or the corresponding rules.

~~406.5-4. Oneida Police Department. Any Oneida Police Department officer, who observes a violation of this law and/or corresponding rules, shall report such violation to the Department and/or a Department warden. However, if immediate action is necessary to prevent imminent danger to life or serious damage to property, the Oneida Police Department officer may issue a warning or citation for the said violation(s) and/or prevent persons from committing the said violation(s).~~

#### **406.6. Licenses and Permits**

406.6-1. *Sportsman License.*

- (a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal



land, except:

(1) Fishing is permitted without a sportsman license for Tribal members, dependents, and non-member Indians whom are sixteen (16) years of age or younger.

(2) Landowners~~and~~, lessees, and guests~~designees~~ with the permission of the landowners or lessees, may hunt and trap the following species on the property they own or lease, year-round, without a sportsman license:

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

~~(F)~~(G) beaver; and

~~(G)~~(H) any nuisance animal that is not an endangered or threaten species and is also not a regulated or protected species.

~~(b)~~ Anyone born on or after January 1, 1973, shall successfully complete a ~~state~~-certified hunter safety course to be eligible for a sportsman license, except that:

(1) *Fishing Only Sportsman License*. A sportsman license may be issued which permits fishing only. ~~In such circumstances, successful completion of a state-~~certified hunter safety course is not required and the Department shall internally record such licenses as permitting fishing only.

(A) A person issued a “fishing only” sportsman license may not hunt or trap, or be eligible to hunt or trap, until the licensee provides the Department with proof of successful completion of a ~~state~~-certified hunter safety course.

~~(B) Any licensee holding a fishing only sportsman license may name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license based on the rules established pursuant to this Law. For the requirements related to naming a designated hunter, refer to section 406.9-4.~~

406.6-2. *Ceremonial and/or Feast Permit*. Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.

(a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.

(b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:

~~(1) At least eighty five percent (85%) of the group and/or organization members are Tribal members;~~

~~(2)~~ The agent~~designee~~ of the group/organization is a Tribal member;

~~(3)~~ The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and

~~(4)~~ The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be ~~named hunters on the ceremonial and/or feast permit;~~

(1) Named hunters on the ceremonial and/or feast permit; and

(2) Tribal members, descendants, or a spouse to a Tribal member.

(d) The agent~~designee~~ of the group ceremonial and/or feast hunt shall notify ~~the~~an Oneida



Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. ~~The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.~~

406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules, the Department may issue permits authorizing a person to engage in specific hunting, fishing and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.

406.6-4. ~~It is unlawful for any person to:~~

(a) Provide false information or fail to report relevant information as requested by the Department, when applying for a license or permit; or

(b) Aid another in fraudulently securing a license or permit.

406.6-5. Except as provided under sections 406.6-1(b)(1)(A), ~~406.9-4~~ and 406.9-6, licenses and/or permits are not transferable and may not be altered, defaced, or lent to or from another person, any may not be used by any person other than the person to whom the license and/or permit is issued.

406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner and location as required by the Department. ~~A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the rules developed pursuant to this law.~~

406.6-7. *Denial of a License or Permit.*

(a) The Department may decline to issue a license and/or permit to an applicant if:

(1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution owed because of a violation of this law and/or corresponding rules.

(2) At any time and for any reason, the Department determines that issuing the license and/or permit poses a risk to the health, safety, and/or welfare of the Nation, to natural resources on the reservation, or to any persons. ~~There is a rebuttable presumption that an applicant poses such a risk under the following circumstances:~~

(A) At the time of the request, the applicant's hunting, fishing, or trapping license, permit, or related privileges are suspended or revoked in any jurisdiction.

(B) Within three (3) years of the request, the applicant has repeatedly and/or egregiously done any one (1) or more of the following:

(i) violated this law and/or corresponding rules and/or the hunting, fishing, or trapping laws and regulations of other jurisdictions;

(ii) violated other laws or rules of the Nation while engaged in hunting, fishing, or trapping activities; or

(iii) demonstrated poor judgment, disregard for safety or unsportsmanlike behavior while hunting, fishing, or trapping; including while interacting with other sportsmen or with wardens, of this jurisdiction or any other.

(C) At any time, the applicant has been found guilty of imposing or threatening to impose great bodily harm on another. ~~For the purposes of this section, great bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement,~~

~~or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.~~

(b) Any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before ~~ERB~~the Trial Court pursuant to section 406.10-4.

#### **406.7. General Requirements**

##### **406.7-1. Persons may not:**

(a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.

(b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.

(c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department ~~officers or~~ wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.

(d) Carelessly waste wildlife. ~~Persons~~ hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).

(e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.

(f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the ~~Environmental Resource Board~~Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.

(g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or ~~stupefying~~stunning substance or agent.

(h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.

(i) Stock or possess any live wildlife on the reservation without a permit.

(j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.

(k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.

(l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has given permission.

(m) Use a gas-powered motorboat on the Nation's waters, except for the Department's use for law enforcement and conservation purposes.

(n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where hunting or trapping is expressly prohibited by the Nation's laws or rules.

(o) Sell or purchase wildlife that was harvested on the reservation, except as may be expressly allowed by this law and corresponding rules.

(1) Under no circumstances may trading, gifting, or sharing of wildlife for traditional or ceremonial purposes be considered a violation of this section.

(p) Refuse to obey an Oneida Police Department officer or warden's lawful order.

(q) Inflict or threaten to inflict bodily harm upon ~~an Oneida Police~~ Department ~~officer or~~ warden. ~~For the purposes of this law, “bodily harm” means physical pain or injury or any impairment of the physical condition.~~

406.7-2. *Possession, Registration, and Transportation of Carcasses.* No person may hunt, trap, possess, or transport any wildlife unless ~~he or she possesses~~ they possess the appropriate license and any required permit, including tags, for harvesting and/or possessing such wildlife.

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the ~~Department or the Department’s designee~~ State of Wisconsin.

406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such manner as ~~ERB and the Department shall jointly~~ establish in its ~~the~~ rules. No person may possess or transport harvested wildlife that is not properly tagged in accordance with this law and corresponding rules.

~~406.7-5. *Health Advisory.* ERB and the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request.~~

#### **406.8. Wildlife Damage and Nuisance Control**

406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land under their control and their associated structures, provided that landowners and lessees shall satisfy all requirements of this law and corresponding rules, including, but not limited to the permitted methods of taking and hunting hours. Further, live-captured nuisance animals may not be relocated to Tribal lands without express written authorization from the Department, and, similarly, may not be relocated to private property without express written authorization from the landowner.

406.8-2. *Nuisance Animal Removal Permit.* A nuisance animal removal permit is required to hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

(a) In order to be eligible for a nuisance animal removal permit, the applicant shall demonstrate that:

(1) ~~He or she has~~ They have the authority to control hunting and trapping access to the lands subject to the nuisance or being damaged as well as any contiguous lands.

In circumstances where the contiguous lands are not owned or leased by the applicant, the applicant shall demonstrate authority to control hunting and trapping access to the contiguous lands by providing the Department with the property owner’s or lessor’s written consent;

(2) ~~He or she~~ They are either ~~is~~-employing or ~~agrees~~ agree to employ, reasonable alternative abatement methods to removal;

(3) The wildlife sought to be removed is a nuisance animal and reasonable alternative abatement methods either have been or are reasonably likely to be unsuccessful;

(4) ~~He or she has~~ They have complied with this law and corresponding rules and the conditions of any previously-issued nuisance animal removal permit, at a minimum, for the previous twelve (12) months from the date ~~he or she applies~~ they

apply for the permit;

(5) The nuisance animal removal permit applied for does not conflict with any provisions of the Nation's agreement with the United States Fish and Wildlife Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

(b) Each permittee shall keep a record of all permit activities and shall provide the said permit record to the Department within ten (10) days of the permit's expiration. ~~At a minimum, the permittee shall include in the record any agentsdesignees assigned under section 406.8-4 and the total number of nuisance animals removed pursuant to the permit, provided that, the Department may name additional items required to be included in the record.~~ All permit records may be inspected by the Department at any time.

(c) The permittee shall return all unused permits, including carcass tags, to the Department within ten (10) days of the permit's expiration.

406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is not required if the nuisance animal would otherwise be exempt from the license and permit requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically not required in following circumstances:

~~(a) *Beaver.* A nuisance animal removal permit is not needed for a landowner, lessee, or an authorized agent to hunt or trap beaver(s) that are nuisance animals, or to remove a beaver dam. However, only the landowner and the Department may set traps on a beaver dam on Tribal land; this privilege may not be transferred to an agent.~~

~~(b)~~(a) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is otherwise required, may be removed without the required permit if such removal is necessary to maintain a person's immediate health and safety.

(1) Persons taking a nuisance animal under emergency circumstances shall report the emergency taking to the Department on the required form available with the Department.

(2) The Department shall conduct an investigation into the validity of the alleged emergency circumstance. ~~If the investigation provides clear and convincing evidence that the taking was not in fact required due to a legitimate threat to a person's immediate health and safety, the Department shall classify the taking an unlawful taking without a permit and shall take the appropriate corrective measures.~~

406.8-4. ~~*Designated Agents.*~~*Nuisance Animal Removal Designees.* A landowner may utilize ~~an agent~~as designee to remove a nuisance animal pursuant to the provisions of this law. ~~If the requirements of this law and corresponding rules are satisfied, the landowner's nuisance animal removal permit and associated carcass tags, if applicable, may be utilized by the landowner's assigned agentdesignee.~~

(a) In order for ~~an agent~~as designee to be assigned to remove a nuisance animal, the landowner shall ensure that the following conditions are met:

(1) The agentdesignee shall have a valid license for hunting or trapping that nuisance animal's species;

(2) The landowner shall grant written permission to the agentdesignee specifically identifying the following:

(A) The location of the nuisance animal where the removal activities are sought to occur;

(B) An authorized time period for the removal of the nuisance animal; and

(C) Any other information as may be required by the rules established pursuant to this law.

(b) The Department may limit the number of persons permitted to assist in a removal.

~~(e)(b)~~ The landowner or lessee permittee may ~~not~~ charge any assigned ~~agent~~designee any form of fee.

406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within the previous January to December.

406.8-6. ~~Department~~Officer or *Warden's Access.* Any landowner or lessee pursuing the removal of a nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted access to the premises on which the said removal is being conducted, is anticipated to be conducted, or has been conducted. ~~Further,~~ the landowner or lessee, and the landowner's ~~agent~~designee, if applicable, shall promptly furnish any information requested by a Oneida Police Department officer or warden relating to the said removal.

406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies to nuisance animals removed in accordance with this section:

(a) The permittee and each ~~agent~~designee assigned under section 406.8-4 may retain no more than one (1) deer removed pursuant to a nuisance animal removal permit. ~~The~~ Department shall distribute or dispose of any deer that are not so retained by offering them to Tribal members in the following order:

(1) Elders;

(2) Disabled persons; and

(3) Any other interested persons.

(b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken pursuant to a nuisance animal removal permit, the permittee shall be explicitly and separately authorized by the permit to retain the wildlife and to sell the wildlife.

(c) Furs from nuisance animals which did not require a nuisance animal removal permit in order to be removed, may be retained by a landowner, lessee, or assigned ~~agent~~designee without a permit. ~~Provided that~~ the landowner, lessee, or assigned ~~agent~~designee shall have a valid license and/or permit in order to commercialize in, sell, trade, ship, or transport any wildlife, except that any squirrels' parts retained may be sold during the closed season.

## **406.9. Hunting**

406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

(a) Hunt using any weapon other than a firearm, air rifle, bow, or crossbow that is authorized under this law and corresponding rules for the taking of a particular species.

(b) Discharge a firearm, air rifle, bow, or crossbow:

(1) Into reservation lakes, reservoirs, or any area designated for public use pursuant to the Public Use of Tribal Land law, except for the purpose of hunting migratory birds during established seasons, in accordance with the rules created pursuant to this law;

(2) Across any roadway; or

(3) Within one hundred (100) yards of any structure, unless the owner-occupant, lessee, or tenant has granted express permission.

(c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a permit, if applicable, do any of the following:

(a) Hunt with the use of aircraft;



- (b) Hunt within fifty (50) feet of the center of a paved road;
- (c) Hunt from a vehicle;
- (d) Hunt while under the influence of alcohol or a controlled substance;
- (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light to find one's way and while hunting on foot, at the point of harvest of coyote, raccoon, fox, or any other authorized unprotected species;
- (f) Shine between the hours of 10:00 p.m. and sunrise during the months of September, October, November, and December; during all other months, shining is allowed at any hour;
- (g) Hunt in a party of more than ten (10) persons;
- (h) Hunt with, or possess while hunting:
  - (1) Any firearm for which the possession is unlawful under Wisconsin or Federal law;
  - (2) Slugs, except that a person may possess slugs during deer firearm season if ~~he or she~~they also ~~possesses~~possess the required associated permit;
  - (3) A handgun with a barrel length of less than five (5) inches;
  - (4) A concealed handgun without a valid permit from the State of Wisconsin; and/or
  - (5) Any of the following without a valid federal permit:
    - (A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;
    - (B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;
    - (C) A fully-automatic firearm;
    - (D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

406.9-3. ~~Accidents~~Injury Causing Incidents. Any person, who discharges a firearm, bow, or crossbow while hunting and injures another person, shall render or attempt to obtain necessary medical assistance, provide the injured person with ~~his or her~~their name and contact information including address, and report the ~~accident~~injury causing incident to either the Department or the Oneida Police Department as soon as possible.

406.9-4. *Designated Hunters*. A permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to ~~his or her~~their own permit, provided that, the designated hunter shall provide ~~his or her~~their name and contact information to the Department along with a signed statement from the original permittee naming the designated hunter. ~~The designated hunter shall receive the Department's approval of the designation before using the permits of the original permittee.~~

- (a) To be eligible to be named a ~~Designated Hunter~~designated hunter, the named person shall:
  - (1) Possess a valid hunting license;
  - (2) Be eligible for the permits for which the person is named the designated hunter; and
  - (3) Meet any other requirements of the rules created pursuant to this law.
- (b) Designated hunters may hunt for ~~the~~an unlimited number of permittees ~~as authorized by the rules developed pursuant to this law.~~

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the

original permittee's possession as soon as practicable following the taking.

406.9-5. *Age Restrictions.*

(a) Persons between the ages of ~~twelve (12)~~ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated ~~his or her~~their supervisory responsibilities.

(1) The parent, legal guardian, or responsible adult shall have a valid license and any required permits.

(2) Adults accompanying youth hunters pursuant to this section shall remain within voice and sight contact of the youth hunters at all times.

(b) Tribal members, descendants<sup>2</sup>, ~~non-member Indians and dependents aged ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits.~~

~~(c) Tribal members, descendants<sup>2</sup>, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.~~

~~(d) The following limitations apply to youth hunters and their mentors hunting pursuant to this section:~~

~~(1) Only one (1) weapon may be possessed jointly between the mentor and his or her mentee(s);~~

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

~~(e) In order to be eligible to be a mentor, the person shall:~~

~~(1) Be at least eighteen (18) years old;~~

~~(2) Have a valid license and any required permits; and~~

~~(3) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor.~~

406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law. ~~Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:~~

(a) At the time and place of the harvest, the member of the hunting party who harvests the deer shall be in contact with the member of the hunting party on whose behalf the deer was harvested. For the purpose of this section, contact means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. ~~Hand radios are permitted, however may not be used as an acceptable means of contact as required in this section.~~

(b) The member of the hunting party for whom the deer was harvested shall possess a valid,

<sup>2</sup>Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.

<sup>3</sup>See footnote 2.



license and carcass tag for the deer.

(c) The member of the hunting party who harvests the deer shall ensure that a valid carcass tag is attached to the deer by a member of the hunting party prior to field dressing and moving the deer; the member of the hunting party that harvests the deer may not leave said deer unattended until it has been properly tagged.

#### **406.10. Enforcement and Penalties**

406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the corresponding rules to the Department or the Oneida Police Department. The department receiving information regarding violations shall keep the information confidential.

406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any ~~one (1)~~ of the following acts or any combination thereof:

(a) Has committed an act causing any of ~~his or hers~~their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal, state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

(b) Provides false information, or assists other in providing false information, when applying for a license or permit;

(c) Fails to timely pay a fine or abide by a penalty assessed against ~~him or her~~them as a consequence for violating the provisions of this law and/or the corresponding rules; and/or

(d) Violates this law and/or the corresponding rules and the violation is one for which the citation schedule identifies suspension, revocation, or ineligibility of a license or permit as an available penalty.

~~406.10-3. *Warning and Citations.* Department wardens may issue verbal and/or written warnings and/or citations to any person found to be in violation of this law and/or the corresponding rules. The Department shall ensure that all warning and citations identify the relevant violation and, if applicable, the fine and/or penalties imposed as a consequence of the violation.~~

~~406.10-4~~406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

~~406.10-5. *Contested Action Hearings.* All citations, orders and declarations issued pursuant to this law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. The Judiciary shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.~~4. *Issuance of a Citation.* An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

~~(a) *Community Service.* Community service may be substituted~~ A citation ~~for fines at a violation of this law, the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10.00) of the fine.~~

~~(b) *Allocation of Citation Revenue.* All~~ corresponding rules, or any orders issued pursuant

to this law may include fines and other penalties ~~issued by citations are payable to ERB or its designee, the proceeds of which ERB shall contribute to the Nation's general fund.~~  
(e) ~~Appealing the Decision of the Judiciary~~, as well as conditional orders made by the Trial Court. ~~Any person wishing to contest the determination of the Judiciary Trial Court may appeal the applicable determination to the Judiciary's Court of Appeals~~  
(b) A citation for a violation of this law shall be processed in accordance with the Rules of Appellate Procedure.  
(d) ~~Pursuing Payment of a Citation.~~ ERB may pursue payment from parties who have failed to make the required payments through the garnishment process procedure contained in the Garnishment law and/or by attaching a Tribal member's per capita payment pursuant to the Per Capita law. Nation's laws and policies governing citations.

End.

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Adopted - BC-8-31-94-C  
Adopted - BC-4-24-96-A  
Adopted - BC-07-22-98-A  
Amended - BC-09-13-00-D  
Amended - BC-6-04-03-A  
Amended - BC-6-30-04-I  
Amended - BC-7-13-05-E  
Amended - BC-8-29-07-F  
Amended - BC-06-24-09-E  
Amended - BC-08-26-10-I  
Emergency Amended - BC-06-22-11-H (Expired)  
Amended - BC-12-14-11-E  
Amended - BC-05-22-13-A  
Amended - BC-01-25-17-D  
Amended - BC-07-26-17-F  
Amended - BC- - - -

**Title 4. Environment and Natural Resources – Chapter 406**  
**Lutolátha?, Latsywáaha? O?khále Atlistáya Tsi? Kayanl?hsla**  
*Our laws concerning hunting, fishing and trapping*  
**HUNTING, FISHING, AND TRAPPING**

406.1.	Purpose and Policy	406.6.	Licenses and Permits
406.2.	Adoption, Amendment, Repeal	406.7.	General Regulations
406.3.	Definitions	406.8.	Wildlife Damage and Nuisance Control
406.4.	Jurisdiction	406.9.	Hunting
406.5.	Administration and Supervision	406.10.	Enforcement and Penalties

**406.1. Purpose and Policy**

406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen for both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) An adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and
- (b) An enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules.

**406.2. Adoption, Amendment, Repeal**

406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-8-31-94-C, and amended by resolutions BC-4-24-96-A, BC-7-22-98-A, BC-09-13-00-D, BC-6-04-03-A, BC-6-30-04-I, BC-7-13-05-E, BC-8-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D, BC-07-26-17-F, and BC-\_\_-\_\_-\_\_.

406.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

406.2-3. 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.

406.2-4. 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.

406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**406.3. Definitions**

406.3-1. 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) “Aircraft” means a conveyance that can travel through the air and that is supported either by its own lightness or by the action of the air against its surfaces. The term includes hovercraft and both manned aircraft such as airplanes and helicopters and unmanned aircraft such as drones.

(b) “Barrel length” means the length of a gun’s barrel as measured from the muzzle to the firing pin with the action closed, or from the muzzle to the breech face.

(c) “Bodily harm” means physical pain or injury or any impairment of the physical condition.

(d) “Daily bag limit” means the maximum number of a species of wildlife that a person may take during a twenty-four (24) hour period measured from midnight to midnight.

- (e) “Department” means the Oneida Conservation Department.
- (f) “Dependent” means a person under the age of eighteen (18) who is the child or step-child of a Tribal member or who lives with a Tribal member for more than half of the year.
- (g) “Descendant” means a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation.
- (h) “Designated hunter” means the person named by a permittee as authorized to harvest wildlife on behalf of the permittee pursuant to the permit held by the permittee.
- (i) “Elder” means any person fifty-five (55) years of age or older.
- (j) “Endangered or threatened” means any species of wildlife within the reservation in danger of extinction or likely to become in danger of distinction as recognized by the Department and under federal law.
- (k) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.
- (l) “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or harvest fish of any variety in any manner.
- (m) “Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- (n) “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wildlife.
- (o) “License” means a written document issued by the Department granting authority to engage in specific activities covered under this law and the rules created pursuant to this law.
- (p) “Loaded” means any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, magazine, or clip.
- (1) Muzzleloading firearms may not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver.
- (2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan is cleaned of powder.
- (q) “Nation” means the Oneida Nation.
- (r) “Non-Indian” means a person who is not a member of any federally recognized Indian tribe, band, or community.
- (s) “Non-Member Indian” means a person who is a member of a federally recognized Indian tribe, band, or community other than this Nation.
- (t) “Nuisance Animal” means any wildlife causing and one (1) or combination of the following:
- (1) Damage to property;
- (2) Damage to or endangered or threatened species of wildlife and/or plants;
- (3) Depredation of crops and/or livestock; or
- (4) Health and/or safety risks posed to persons.
- (u) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of equipment and/or wildlife, the imposition of a wildlife protection assessment (civil recovery value), revocation and/or ineligibility for licenses and/or permits for a specified period of time, and restitution.
- (v) “Permit” means a document, stamp or tag authorizing a specific activity which is

issued by the Department to the holder of a license.

(w) “Protected species” means any species of wildlife that is not endangered or threatened, but for the Department has established seasons, daily bag limits, or otherwise restricted the taking of.

(x) “Reservation” means all the property within the exterior boundaries of the reservation of the Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(y) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted by the Department in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law.

(z) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including placing or setting any net or other capturing device), capturing, harvesting, snaring or trapping any wildlife, or attempting any of the foregoing.

(aa) “Transport” means to bring or move from one place to another by means of carrying, dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.

(bb) “Trapping” means the taking of, or attempting to take, any wildlife by means of setting or operating any device or mechanism that is designed, built, or made to close upon, hold fast, snare or otherwise capture wildlife.

(cc) “Tribal land” means any land within the reservation that is held in fee or in trust and is owned by the Nation, a Tribal member, or a non-member Indian.

(dd) “Tribal member” means an enrolled member of the Nation.

(ee) “Vehicle” means any self-propelled conveyance that derives power from a motor and is used to transport persons or objects over land, including but not limited to, an automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle, moped or similar conveyance.

(ff) “Warden” means an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources.

(gg) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or any part or carcass of the same.

#### **406.4. Jurisdiction**

406.4-1. This law applies to the following persons:

- (a) All Tribal members,
- (b) All non-member Indians,
- (c) All non-Indians who:
  - (1) apply for and receive a license and/or permit, and/or
  - (2) enter Tribal land,
- (d) All persons as otherwise permitted under federal law.

406.4-2. This law applies:

- (a) within the boundaries of the Reservation, and
- (b) on lands held in trust for the Nation outside the boundaries of the reservation.

406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the Nation’s natural resources. However, this law shall not negate the jurisdiction of the State of Wisconsin in certain instances involving non-member Indians and non-Indians. Thus, to hunt, fish, or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation’s license, permit, and tag requirements and may also be subject to the requirements of the State of Wisconsin. License and permit holders may not exercise any hunting, fishing, or tapping privileges

within the Reservation boundaries using a State of Wisconsin license that would amount to greater privileges than those afforded pursuant to this Law and associated rules.

**406.5. Administration and Supervision**

406.5-1. The Department shall protect, manage, supervise, conserve, and enhance all wildlife within the reservation. The Department shall establish and maintain the rules in accordance with the Administrative Rulemaking law that are required to implement this law. The Department shall administer and enforce this law and the rules created pursuant to this law.

406.5-2. *Administrative Rulemaking Authority.* In addition to any other duties delegated to the Department under this law, the Department is hereby delegated rulemaking authority in accordance with the Administrative Rulemaking law to:

- (a) Determine the types and number of licenses and permits that may be issued by the Department, including how many licenses and permits that may be issued to non-Indian hunters.
- (b) Establish a fee schedule and application requirements and deadlines for obtaining licenses and/or permits.
- (c) Establish or amend daily bag limits and possession limits based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest. Restrictions in such rules may include, but are not limited to, limits related to gender, species, size, age, and maturity.
- (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any species in need of protection a protected species or an endangered or threatened species, and thereafter modify or revoke such declarations as may be appropriate.
- (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife.
  - (1) The rules shall identify designated seasons and/or hunting hours for elder, disabled, and youth hunts.
- (f) Establish and/or modify areas' territorial limits, including bodies of water or parts thereof, for any of the following, as may be necessary:
  - (1) the taking of wildlife;
  - (2) other specified areas, pursuant to the rules developed by the Department.
- (g) Establish methods for checking persons into and out of areas specified under subsection (f) above.
- (h) Regulate the operation of boats upon reservation waters and the operation of vehicles and aircraft used while hunting, fishing, or trapping.
- (i) Regulate and prescribe the means and methods by which wildlife may be taken, including, but not limited to, the use of:
  - (1) bait;
  - (2) decoys;
  - (3) hunting dogs;
  - (4) traps;
  - (5) firearms;
  - (6) ammunition;
  - (7) laser sights; and
  - (8) night vision.
- (j) Regulate the transportation, registration, tagging, and storage of all wildlife within the reservation and the shipment or transportation of wildlife off the reservation.
- (k) Prescribe safety and fire control measures and other rules as may be necessary for

range, forest; or wildlife management, and/or for the safety and welfare of outdoor recreationists, landowners, lessees, occupants, and the Nation.

(l) Establish a citation schedule that sets the monetary fines and penalties for violations of this law and/or the rules established pursuant to this law.

(m) Regulate use of recovery and retrieval services and methods.

(n) Regulate the care and husbandry of animals used to hunt or animals used for private game hunting.

(o) Create other rules as specifically directed throughout this law or as may be necessary to implement this law.

406.5-3. *Oneida Police Department Officers and Wardens.* Oneida Police Department officers and/or wardens shall enforce this law and corresponding rules on the reservation, and accordingly shall:

(a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the methods and equipment utilized are lawful.

(b) Investigate reports of violations of wildlife and environmental laws, including, but not limited to, this law and corresponding rules.

(c) Work to prevent persons from violating this law and/or the corresponding rules.

(d) Issue warnings and/or citations, which may include fines and/or penalties, for violations of this law and/or the corresponding rules.

#### **406.6. Licenses and Permits**

##### **406.6-1. *Sportsman License.***

(a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal land, except:

(1) Fishing is permitted without a sportsman license for Tribal members, dependents, and non-member Indians whom are sixteen (16) years of age or younger.

(2) Landowners, lessees, and designees with the permission of the landowners or lessees, may hunt and trap the following species on the property they own or lease, year-round, without a sportsman license:

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

(G) beaver; and

(H) any nuisance animal that is not an endangered or threaten species and is also not a regulated or protected species.

(b) Anyone born on or after January 1, 1973, shall successfully complete a certified hunter safety course to be eligible for a sportsman license, except that:

(1) *Fishing Only Sportsman License.* A sportsman license may be issued which permits fishing only. In such circumstances, successful completion of a certified hunter safety course is not required and the Department shall internally record such licenses as permitting fishing only.

(A) A person issued a “fishing only” sportsman license may not hunt or trap, or be eligible to hunt or trap, until the licensee provides the Department with



proof of successful completion of a certified hunter safety course.

406.6-2. *Ceremonial and/or Feast Permit.* Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.

(a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.

(b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:

(1) The designee of the group/organization is a Tribal member;

(2) The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and

(3) The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be:

(1) Named hunters on the ceremonial and/or feast permit; and

(2) Tribal members, descendants, or a spouse to a Tribal member.

(d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.

406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules, the Department may issue permits authorizing a person to engage in specific hunting, fishing and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.

406.6-4. It is unlawful for any person to:

(a) Provide false information or fail to report relevant information as requested by the Department, when applying for a license or permit; or

(b) Aid another in fraudulently securing a license or permit.

406.6-5. Except as provided under sections 406.9-4 and 406.9-6, licenses and/or permits are not transferable and may not be altered, defaced, or lent to or from another person, any may not be used by any person other than the person to whom the license and/or permit is issued.

406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner and location as required by the Department. A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the rules developed pursuant to this law.

406.6-7. *Denial of a License or Permit.*

(a) The Department may decline to issue a license and/or permit to an applicant if:

(1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution owed because of a violation of this law and/or corresponding rules.

(2) At any time and for any reason, the Department determines that issuing the license and/or permit poses a risk to the health, safety, and/or welfare of the Nation, to natural resources on the reservation, or to any persons. There is a rebuttable presumption that an applicant poses such a risk under the following circumstances:

(A) At the time of the request, the applicant's hunting, fishing, or trapping license, permit, or related privileges are suspended or revoked in any jurisdiction.

(B) Within three (3) years of the request, the applicant has repeatedly and/or egregiously done any one (1) or more of the following:

- (i) violated this law and/or corresponding rules and/or the hunting, fishing, or trapping laws and regulations of other jurisdictions;
- (ii) violated other laws or rules of the Nation while engaged in hunting, fishing, or trapping activities; or
- (iii) demonstrated poor judgment, disregard for safety or unsportsmanlike behavior while hunting, fishing, or trapping; including while interacting with other sportsmen or with wardens, of this jurisdiction or any other.

(C) At any time, the applicant has been found guilty of imposing or threatening to impose great bodily harm on another.

(b) Any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before the Trial Court pursuant to section 406.10-4.

#### **406.7. General Requirements**

406.7-1. Persons may not:

- (a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.
- (b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.
- (c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department officers or wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.
- (d) Carelessly waste wildlife. Persons hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).
- (e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.
- (f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.
- (g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or stunning substance or agent.
- (h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.
- (i) Stock or possess any live wildlife on the reservation without a permit.
- (j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.
- (k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.
- (l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has

given permission.

(m) Use a gas-powered motorboat on the Nation's waters, except for the Department's use for law enforcement and conservation purposes.

(n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where hunting or trapping is expressly prohibited by the Nation's laws or rules.

(o) Sell or purchase wildlife that was harvested on the reservation, except as may be expressly allowed by this law and corresponding rules.

(1) Under no circumstances may trading, gifting, or sharing of wildlife for traditional or ceremonial purposes be considered a violation of this section.

(p) Refuse to obey an Oneida Police Department officer or warden's lawful order.

(q) Inflict or threaten to inflict bodily harm upon an Oneida Police Department officer or warden.

406.7-2. *Possession, Registration, and Transportation of Carcasses.* No person may hunt, trap, possess, or transport any wildlife unless they possess the appropriate license and any required permit, including tags, for harvesting and/or possessing such wildlife.

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin.

406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such manner as the Department shall establish in its rules. No person may possess or transport harvested wildlife that is not properly tagged in accordance with this law and corresponding rules.

#### **406.8. Wildlife Damage and Nuisance Control**

406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land under their control and their associated structures, provided that landowners and lessees shall satisfy all requirements of this law and corresponding rules, including, but not limited to the permitted methods of taking and hunting hours. Further, live-captured nuisance animals may not be relocated to Tribal lands without express written authorization from the Department, and, similarly, may not be relocated to private property without express written authorization from the landowner.

406.8-2. *Nuisance Animal Removal Permit.* A nuisance animal removal permit is required to hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

(a) In order to be eligible for a nuisance animal removal permit, the applicant shall demonstrate that:

(1) They have the authority to control hunting and trapping access to the lands subject to the nuisance or being damaged as well as any contiguous lands. In circumstances where the contiguous lands are not owned or leased by the applicant, the applicant shall demonstrate authority to control hunting and trapping access to the contiguous lands by providing the Department with the property owner's or lessor's written consent;

(2) They are either employing or agree to employ, reasonable alternative abatement methods to removal;

(3) The wildlife sought to be removed is a nuisance animal and reasonable alternative abatement methods either have been or are reasonably likely to be unsuccessful;

(4) They have complied with this law and corresponding rules and the conditions of any previously issued nuisance animal removal permit, at a minimum, for the previous twelve (12) months from the date they apply for the permit;

(5) The nuisance animal removal permit applied for does not conflict with any provisions of the Nation's agreement with the United States Fish and Wildlife Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

(b) Each permittee shall keep a record of all permit activities and shall provide the said permit record to the Department within ten (10) days of the permit's expiration. At a minimum, the permittee shall include in the record any designees assigned under section 406.8-4 and the total number of nuisance animals removed pursuant to the permit, provided that, the Department may name additional items required to be included in the record. All permit records may be inspected by the Department at any time.

(c) The permittee shall return all unused permits, including carcass tags, to the Department within ten (10) days of the permit's expiration.

406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is not required if the nuisance animal would otherwise be exempt from the license and permit requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically not required in following circumstances:

(a) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is otherwise required, may be removed without the required permit if such removal is necessary to maintain a person's immediate health and safety.

(1) Persons taking a nuisance animal under emergency circumstances shall report the emergency taking to the Department on the required form available with the Department.

(2) The Department shall conduct an investigation into the validity of the alleged emergency circumstance. If the investigation provides clear and convincing evidence that the taking was not in fact required due to a legitimate threat to a person's immediate health and safety, the Department shall classify the taking an unlawful taking without a permit and shall take the appropriate corrective measures.

406.8-4. *Nuisance Animal Removal Designees.* A landowner may utilize as designee to remove a nuisance animal pursuant to the provisions of this law. If the requirements of this law and corresponding rules are satisfied, the landowner's nuisance animal removal permit and associated carcass tags, if applicable, may be utilized by the landowner's assigned designee.

(a) In order for a designee to be assigned to remove a nuisance animal, the landowner shall ensure that the following conditions are met:

(1) The designee shall have a valid license for hunting or trapping that nuisance animal's species;

(2) The landowner shall grant written permission to the designee specifically identifying the following:

(A) The location of the nuisance animal where the removal activities are sought to occur;

(B) An authorized time period for the removal of the nuisance animal; and

(C) Any other information as may be required by the rules established pursuant to this law.

(b) The Department may limit the number of persons permitted to assist in a removal.

(b) The landowner or lessee permittee may charge any assigned designee any form of fee.

406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-

winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within the previous January to December.

406.8-6. *Officer or Warden's Access.* Any landowner or lessee pursuing the removal of a nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted access to the premises on which the said removal is being conducted, is anticipated to be conducted, or has been conducted. Further, the landowner or lessee, and the landowner's designee, if applicable, shall promptly furnish any information requested by a Oneida Police Department officer or warden relating to the said removal.

406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies to nuisance animals removed in accordance with this section:

(a) The permittee and each designee assigned under section 406.8-4 may retain no more than one (1) deer removed pursuant to a nuisance animal removal permit. The Department shall distribute or dispose of any deer that are not so retained by offering them to Tribal members in the following order:

(1) Elders;

(2) Disabled persons; and

(3) Any other interested persons.

(b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken pursuant to a nuisance animal removal permit, the permittee shall be explicitly and separately authorized by the permit to retain the wildlife and to sell the wildlife.

(c) Furs from nuisance animals which did not require a nuisance animal removal permit in order to be removed, may be retained by a landowner, lessee, or assigned designee without a permit. Provided that the landowner, lessee, or assigned designee shall have a valid license and/or permit in order to commercialize in, sell, trade, ship, or transport any wildlife, except that any squirrels' parts retained may be sold during the closed season.

#### **406.9. Hunting**

406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

(a) Hunt using any weapon other than a firearm, air rifle, bow, or crossbow that is authorized under this law and corresponding rules for the taking of a particular species.

(b) Discharge a firearm, air rifle, bow, or crossbow:

(1) Into reservation lakes, reservoirs, or any area designated for public use pursuant to the Public Use of Tribal Land law, except for the purpose of hunting migratory birds during established seasons, in accordance with the rules created pursuant to this law;

(2) Across any roadway; or

(3) Within one hundred (100) yards of any structure, unless the owner-occupant, lessee, or tenant has granted express permission.

(c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a permit, if applicable, do any of the following:

(a) Hunt with the use of aircraft;

(b) Hunt within fifty (50) feet of the center of a paved road;

(c) Hunt from a vehicle;

(d) Hunt while under the influence of alcohol or a controlled substance;

(e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light

to find one's way and while hunting on foot, at the point of harvest of coyote, raccoon, fox, or any other authorized unprotected species;

(f) Shine between the hours of 10:00 p.m. and sunrise during the months of September, October, November, and December; during all other months, shining is allowed at any hour;

(g) Hunt in a party of more than ten (10) persons;

(h) Hunt with, or possess while hunting:

(1) Any firearm for which the possession is unlawful under Wisconsin or Federal law;

(2) Slugs, except that a person may possess slugs during deer firearm season if they also possess the required associated permit;

(3) A handgun with a barrel length of less than five (5) inches;

(4) A concealed handgun without a valid permit from the State of Wisconsin; and/or

(5) Any of the following without a valid federal permit:

(A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;

(B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;

(C) A fully-automatic firearm;

(D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

406.9-3. *Injury Causing Incidents.* Any person, who discharges a firearm, bow, or crossbow while hunting and injures another person, shall render or attempt to obtain necessary medical assistance, provide the injured person with their name and contact information including address, and report the injury causing incident to either the Department or the Oneida Police Department as soon as possible.

406.9-4. *Designated Hunters.* A permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to their own permit, provided that, the designated hunter shall provide their name and contact information to the Department along with a signed statement from the original permittee naming the designated hunter. The designated hunter shall receive the Department's approval of the designation before using the permits of the original permittee.

(a) To be eligible to be named a designated hunter, the named person shall:

(1) Possess a valid hunting license;

(2) Be eligible for the permits for which the person is named the designated hunter; and

(3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for an unlimited number of permittees.

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

406.9-5. *Age Restrictions.*

(a) Persons between the ages of ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities.

(1) The parent, legal guardian, or responsible adult shall have a valid license and any required permits.

(2) Adults accompanying youth hunters pursuant to this section shall remain within voice and sight contact of the youth hunters at all times.

(b) Tribal members, descendants, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law. Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:

(a) At the time and place of the harvest, the member of the hunting party who harvests the deer shall be in contact with the member of the hunting party on whose behalf the deer was harvested. For the purpose of this section, contact means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. Hand radios are permitted, however may not be used as an acceptable means of contact as required in this section.

(b) The member of the hunting party for whom the deer was harvested shall possess a valid, license and carcass tag for the deer.

(c) The member of the hunting party who harvests the deer shall ensure that a valid carcass tag is attached to the deer by a member of the hunting party prior to field dressing and moving the deer; the member of the hunting party that harvests the deer may not leave said deer unattended until it has been properly tagged.

#### **406.10. Enforcement and Penalties**

406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the corresponding rules to the Department or the Oneida Police Department. The department receiving information regarding violations shall keep the information confidential.

406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any of the following acts or any combination thereof:

(a) Has committed an act causing any of their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal, state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

(b) Provides false information, or assists other in providing false information, when applying for a license or permit;

(c) Fails to timely pay a fine or abide by a penalty assessed against them as a consequence for violating the provisions of this law and/or the corresponding rules; and/or



(d) Violates this law and/or the corresponding rules and the violation is one for which the citation schedule identifies suspension, revocation, or ineligibility of a license or permit as an available penalty.

406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

406.10-4. *Issuance of a Citation.* An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

(a) A citation for a violation of this law, the corresponding rules, or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

*End.*

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Adopted - BC-8-31-94-C  
Adopted - BC-4-24-96-A  
Adopted - BC-07-22-98-A  
Amended - BC-09-13-00-D  
Amended - BC-6-04-03-A  
Amended - BC-6-30-04-I  
Amended - BC-7-13-05-E  
Amended - BC-8-29-07-F  
Amended - BC-06-24-09-E  
Amended - BC-08-26-10-I  
Emergency Amended - BC-06-22-11-H (Expired)  
Amended – BC-12-14-11-E  
Amended – BC-05-22-13-A  
Amended – BC-01-25-17-D  
Amended – BC-07-26-17-F  
Amended – BC-\_\_-\_\_-\_\_-\_\_



Legislative Operating Committee  
May 7, 2025

## Landlord-Tenant Law Amendments

<b>Submission Date:</b> 2/21/24	<b>Public Meeting:</b> 3/14/25
<b>LOC Sponsor:</b> Jonas Hill	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *This item was added to the Active Files List on February 21, 2024, per the request of the Oneida Law Office, for the purpose of making the Landlord Tenant law generally applicable to all landlords, not just the Nation as a landlord, and fully assert the Nation's jurisdiction within the Reservation boundaries.*

**2/21/24 LOC:** Motion by Kirby Metoxen to add the Landlord Tenant law amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

**3/20/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to discuss and determine a priority for this legislative item.

**5/28/24:** *Work Meeting.* Present: Krystal John, Grace Elliott. The purpose of this meeting was to outline the main amendments being sought.

**7/11/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Krystal John, Lisa Rauschenbach, Michelle Hill, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to identify any areas of the Landlord Tenant law that may benefit from amendments.

**8/1/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Mark Powless, Derick Denny, Krystal John, Scott Denny, Grace Elliott. The purpose of this meeting was to continue reviewing the Landlord Tenant law for any recommended amendments.

**8/23/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Clorissa Leeman, Carolyn Salutz, Maureen Perkins, Fawn Billie. The purpose of this meeting was to address a final question about the proposed amendments to the Law.

**2/5/25 LOC:** Motion by Jonas Hill to accept the Landlord Tenant law Amendments Legislative Analysis and approve the public meeting packet for amendments to the Landlord Tenant law and forward to a public meeting to be held on March 14, 2025; seconded by Jennifer Webster. Motion carried unanimously.

**3/14/25:** *Public Meeting Held.* Present: Marlon Skenadore, Clorissa Leeman, Grace Elliott, 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. No individuals provided oral comments during this public meeting.

**3/21/25:** *Public Comment Period Closed.* One (1) person provided written comments during this public comment period.

#### **Next Steps:**

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

TO: Legislative Operating Committee (LOC)  
 FROM: Grace L. Elliott, Legislative Reference Office, Staff Attorney *Grace Elliott*  
 DATE: May 7, 2025  
 RE: Landlord Tenant Law Amendments: Public Comment Review

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

### Comment 1 – Purpose Statement Clarification:

#### 611.1. Purpose and Policy

**611.1-1. Purpose.** The purpose of this law is to provide mechanisms for protecting the rights of landlords and tenants on all land owned by the Nation or members of the Nation within the Reservation boundaries.

**Patricia Hoeft (written):** The purpose statement could be more clearly stated to show it is a law that does one or both of the following:

1. Applies to residential dwellings or premises located within the Oneida Reservation boundaries on land that is owned by the Oneida Nation or individuals who are enrolled members of the Nation.
2. Governs or regulates the rental relationship between the landlord and tenant.
3. Identifies the rights and duties/responsibilities of the landlord and tenant.

#### *Response*

Overall, the commenter suggests that the purpose statement lacks clarity and lists three critiques.

Commenter's first critique is that the purpose statement does not clearly state that the Law "[a]pplies to residential dwellings or premises located within the Oneida Reservation boundaries on land that is owned by the Oneida Nation or individuals who are enrolled members of the Nation."

Commenter's first critique adds three details to the purpose statement as drafted in the proposed amendments. These three details include applying the Law to (1) "residential dwellings", located within the (2) "Oneida Nation" reservation boundaries, owned by the Oneida Nation or (3) "enrolled members" of the Nation. The following discussion addresses each detail added by commenter.

Commenter's first detail, "residential dwelling" limits the application of the Law to residential dwellings or premises. Currently, the Law's application is limited to the Nation's rental programs. [6 O.C. 611.1-1.]. The Law was added to the Active Files List on February 21, 2024, at the request of the Oneida Law Office (OLO) for the purpose of making the Landlord Tenant law generally applicable to all landlords, not just the Nation as landlord, and to assert the Nation's jurisdiction within Reservation boundaries not just to the Nation's rental programs.

The proposed amendments to the Law do not limit its application to residential rentals and instead leave it open to include commercial as well as residential rental agreements. It is unlikely that a commercial application would be utilized very often because commercial 'rental' agreements are almost always contracted through lease agreements, not rental agreements, and so would fall under the Leasing law and not the Landlord Tenant law. However, it is not impossible that a commercial use could be contracted through a rental agreement and so foreclosing that option by incorporating limiting "residential" language should be a considered decision.

The second detail identifies the "Nation" as the Oneida Nation in the purpose statement. Currently, the Law defines "Nation" as the Oneida Nation. [6 O.C. 611.3-1(c)].

The third detail identifies "members of the Nation" as "enrolled members of the Nation". Currently, the Law defines "Tribal Member" as an enrolled member of the Nation. [6 O.C. 611.3-1(i)].

Commenter's second critique is that the purpose statement should more clearly show that the law "governs or regulates the rental relationship between the landlord and tenant". Laws implicitly govern and/or regulate relationships addressed in the law. The Landlord Tenant law does govern the landlord tenant relationship but also applies more broadly in that it governs their separate duties and responsibilities as well. Currently, the Law's purpose statement does not mention "governs or regulates the rental relationship between the landlord and tenant".

Commenters third critique is that the purpose statement should be enhanced to say that it "[i]dentifies the rights and duties/responsibilities of the landlord and tenant". Currently, the Law consists of ten sections, one of which is titled Rights and Duties of Landlords and Tenants. [6 O.C. 611.6].

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted.
2. The Legislative Committee may determine that the purpose statement should refer to "Tribal members" instead of "members of the Nation". This change is recommended to achieve consistency in drafting throughout the Law.
3. The Legislative Operating Committee may determine that the purpose statement should be clarified to limit the application of the Law to residential premises.
4. The Legislative Operating Committee may determine that the purpose statement should be expanded to read: The purpose of this law is to provide mechanisms for *identifying the*

*duties* and protecting the rights of landlords and tenants on all land owned by the Nation or (Tribal) members ~~of the Nation~~ within the Reservation boundaries.

### ***LOC Consideration***

#### **Comment 2 – Policy Statement Nation’s residents:**

##### **611.1. Purpose and Policy**

**611.1-2. Policy.** It is the Nation’s policy to provide a fair and just process to landlords and tenants to preserve the peace, harmony, safety, health, and general welfare of the Nation’s residents.

**Patricia Hoeft (written):** What is the definition of “the Nation’s residents”? Are residents of the Nation only enrolled Nation members residing on the Nation’s land or within the Nation’s reservation boundaries regardless of the status of the parcel of land that the enrolled member resides on?

Or, is this process to govern the relationship of the landlord-tenant to preserve the peace, harmony, safety, health and general welfare of people who reside in rental premises within the Nation’s reservation boundaries?

### ***Response***

The commenter requests that the definition of the “Nation’s residents” be clarified; questioning whether it consists of enrolled members of the Nation residing within the boundaries of the Nation’s reservation, or “people who reside in rental premises within the Nation’s reservation boundaries.”

The Law states that “[a]ll words not defined herein shall be used in their ordinary and everyday sense.” [6 O.C. 611.3-1.]. The Law defines “Nation” as the Oneida Nation and “resident” is not defined. [6 O.C. 611.3-1(c).]. Webster’s dictionary defines “resident” in noun form as “a person who lives somewhere permanently or on a long-term basis” and as a verb as “living somewhere on a long-term basis.” As used in the ordinary and everyday sense a “resident of the Nation” includes any person living within the Nation’s boundaries on a long-term basis and is not limited by how the land is owned, who owns the land, what the resident’s property rights are, or their citizenship.

As understood in the ordinary course of language a Nation’s resident is not limited to enrolled members or people who live in rental premises within the Nation’s reservation boundaries.

Although the Law’s application is limited to landlords and tenants operating on land owned by the Nation, or members of the Nation, its exercise represents an expression of the Nation’s policy to preserve the peace, harmony, safety, health, and general welfare for all residents of the Nation.

There is no recommended revision to the proposed amendments to the Law based on this comment.

### ***LOC Consideration***

#### **Comment 3: Definition of Landlord**

##### **611.3. Definitions**

**611.3-1(b). “Landlord” means any person or entity within the Nation’s jurisdiction in their capacity to rent real property subject to a rental agreement.**

**Patricia Hoeft (written):** Improve the definition of landlord to make it more clear. Or add a definition for “owner”.

Must the landlord be a person or entity that is the owner of the premises?

### ***Response***

The commenter recommends that the definition of landlord be improved by addressing whether a landlord must be the owner of the premises.

Landlords usually own the premises they rent out subject to a rental agreement but that is not always the case. A landlord may also be a lessor, or sublessor of a dwelling unit intended for the use of tenants; or an agent acting on behalf of an owner. One may be a landlord without also being the owner.

If the definition of “landlord” were to be refined to include ownership as a necessary condition it would narrow the application of the Law to landlords who own the premises subject to rental agreement and will exclude agents, lessors and sublessors.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted.
2. The Legislative Operating Committee may determine that the definition of “landlord” should be amended to limit who can be a landlord to the owner of the premise subject to the rental agreement.



- A. Option A: Landlord means the owner or lessor of a dwelling unit under any rental agreement, and any agent acting on the owner's or lessor's behalf. The term includes sublessors, other than persons subleasing individual units occupied by them.
  - B. Option B: "Landlord" means any entity or organization which is the owner, lessor or sublessor of a dwelling unit intended for the use of tenants.
  - C. Option C: "Landlord" means the Tribe, Housing Authority, a person, entity or federal government agency which is the owner, lessor or sublessor of a dwelling unit intended for the use of tenants.
2. If the LOC chooses to limit the definition of landlord, then they may also want to add a definition for owner.
- A. Option A: "Owner" means one or more persons, jointly or severally, vested with all or part of the legal title to the premises or all or part of the beneficial ownership and right to present use and enjoyment of the premises. The term includes a mortgagee in possession.
  - B. Option B: "Owner" means any person or entity jointly or individually having legal title to all or part of land or a dwelling, including the legal right to own, manage, use or control a dwelling unit under a mortgage, long-term lease, or any other security arrangement.

### *LOC Consideration*

#### **Comment 4 – Definition of Reservation:**

##### **611.3. Definitions**

**611.3-1(f). "Reservation" means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838, Treaty with the Oneida, 7 Stat., 566., and any lands added thereto pursuant to federal law.**

**Patricia Hoeft (written):** Are the terms of "property" and "land" to have the same meaning? Should this be land? Or a geographically defined area of land? The definition uses the word "land" in the last part of the sentence so does that mean the word land should be used and not property?

### *Response*

The commenter asks if the terms "property" and "land" are meant to have the same meaning and then points out that the definition of "Reservation" includes "all property" within the exterior

boundaries of the reservation, but then at the end of the sentence refers to any “*lands* added thereto”. This means ‘lands’ added to ‘property’.

“Property” and “land” are not defined terms and so are to be understood as used in ordinary and everyday language. [6 O.C. 611.3-1]. Websters dictionary defines Property (noun) as: 1. a thing or things belonging to someone; possession collectively. A building or buildings *and the land* belonging to it or them. Websters dictionary defines Land (noun) as: 1. the part of the earth’s surface that is not covered by water, as opposed to the sea or the air.

Currently, the Nation’s laws under, Title 6. Property and Land, define reservation in the following ways:

- **Landlord Tenant, Real Property, and Mortgage and Foreclosure laws define “Reservation” as:**
  - “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838, Treaty with the Oneida, 7 Stat., 566., and any lands added thereto pursuant to federal law. [6 O.C. 611.3-1(f)], [6 O.C. 601.3-1(r)], and [6 O.C. 612.3-1(r)].
- **Building Code and Public Use of Tribal Land define “Reservation” as:**
  - “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law. [6 O.C. 603.3-1(g)], and [6 O.C. 609.3-1(g)].
- **Zoning and Shoreland defines “Reservation” as:**
  - “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law. [6 O.C. 605.3-1(III)].
- **Local Land Use Regulation Reimbursement defines “Reservation” as:**
  - “Reservation” means all lands within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law. [6 O.C. 607.3-1(f)].

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may determine that the definition of Reservation should be amended to align with one of the definitions listed above.

### ***LOC Consideration***

### Comment 5 – Disposition of personal property:

#### 611.5. Rights and Duties of Landlords and Tenants

**611.5-2. *Disposition of Personal Property Left by the Tenant.*** If the tenant moves from or is evicted from the premises and leaves personal property, the landlord may presume that the tenant has abandoned the personal property and may dispose of said property in any manner that the landlord, in their sole discretion, determines is appropriate, provided that:

(c). The Comprehensive Housing Division shall create rules further governing the disposition of personal property on Tribal land.

**Patricia Hoeft (written):** Abandoned in the premises.

#### *Response*

The commenter suggests that “abandoned in the premises” should replace “on Tribal land.” [6 O.C. 611.5-2(c)]. However, the language “abandoned in the premises” limits the Comprehensive Housing Division’s ability to address personal property abandoned outside of what is commonly understood as being “in the premises” including but not limited to a yard, driveway, parking lot, or common area.

There is no recommended revision to the proposed amendments to the Law based on this comment.

#### *LOC Consideration*

### Comment 6 – Minimum Rental Eligibility Requirements:

#### 611.10. Comprehensive Housing Division Rental Programs

**611.10-3(b).** Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;

**Patricia Hoeft (written):** Clarify: is this 2 years prior to applying or 2 years after applying?

#### *Response*

The commenter requests clarification on whether the Comprehensive Housing Division will measure eligibility criteria based on the two year time period prior to filing an application for housing, or, the two years after filing the application for housing to determine if an applicant qualifies for housing through one of their rental programs.

Currently, the Law states that the relevant time period is “within the ***past*** two (2) years from the date of application”. [611.10-3(c)]. The two (2) year period prior to filing an application is the relevant time period. It is not practical to read “within the past two (2) years from the date of the application” to mean two years in the future from the submission of the application as an applicant would have to wait for two years, after submitting their application, to find out if they meet the eligibility requirements to be eligible for housing. Eligibility requirements are generally, and understandably, determined at the time an application is filed and not based on what might happen years after the application is filed.

There is no recommended revision to the proposed amendments to the Law based on this comment.

### ***LOC Consideration***

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## Title 6. Property and Land- Chapter 611 LANDLORD- TENANT

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*where it bound to the earth - issues*

611.1.	Purpose and Policy	611.67.	Domestic Abuse Protections
611.2.	Adoption, Amendment, Repeal	611.78.	Sex Offender Registry
611.3.	Definitions	611.89.	Termination of Tenancy at Death of Tenant
611.4.	<del>Rental Programs</del>	611.940.	Landlord or Tenant Actions
611.45.	Rental Agreement Documents	611.10	<a href="#">Comprehensive Housing Division Rental Programs</a>
611.56.	Rights and Duties of Landlords and Tenants		

### 611.1. Purpose and Policy

611.1-1. *Purpose.* The purpose of this law 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 of the Nation's rental programs.

611.1-2. *Policy.* It is the Nation's policy to provide a fair and just process to landlords and tenants ~~of the Nation's rental programs~~ to preserve the peace, harmony, safety, health, and general welfare ~~of and the Nation's residents resources.~~

**Commented [PH1]:** The purpose statement could be more clearly stated to show it is a law that does one or both of the following:

1. Applies to residential dwellings or premises located within the Oneida Reservation boundaries on land that is owned by the Oneida Nation or individuals who are enrolled members of the Nation.
2. Governs or regulates the rental relationship between the landlord and tenant.
3. Identifies the rights and duties/responsibilities of the landlord and tenant

### 611.2. Adoption, Amendment, Repeal

611.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C and thereafter amended by resolution BC-12-13-17-D.

611.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

611.2-3. 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.

611.2-4. 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.

611.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**Commented [PH2]:** What is the definition of "the Nation's residents"? Are residents of the Nation only enrolled Nation members residing on the Nation's land or within the Nation's reservation boundaries regardless of the status of the parcel of land that the enrolled member resides on?

Or, is this process to govern the relationship of the landlord-tenant to preserve the peace, harmony, safety, health and general welfare of people who reside in rental premises within the Nation's reservation boundaries?

### 611.3. Definitions

611.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Comprehensive Housing Division" ~~is~~ the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

(b) "Landlord" means any person or entity within the Nation's jurisdiction in their capacity to rent real property subject to a rental agreement.

**Commented [PH3]:** Improve the definition of landlord to make it more clear. Or add a definition for "owner".

Must the landlord be a person or entity that is the owner of the premises? I

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(c) "Nation" means the Oneida Nation.

(d) "Premises" means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.

(e) "Rental Agreement" means a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent-to-own basis.

(f) "Reservation" means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(g) "Rule" means a set of requirements, including citation fees and penalty schedules, enacted ~~jointly by the Land Commission and by~~ the Comprehensive Housing Division in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law, ~~provided that where such requirements relate solely to premises administered pursuant to federal funding, the Comprehensive Housing Division has sole authority.~~

(h) "Tenant" means the person granted the right to use or occupy a premises pursuant to a rental agreement.

(i) "Tribal member" means an individual who is an enrolled member of the Nation.

(j) "Security Deposit" means a payment made to the landlord by the tenant to ensure that rent will be paid and other responsibilities of the rental agreement performed.

**Commented [PH4]:** Are the terms of "property" and "land" to have the same meaning? Should this be land? Or a geographically defined area of land? The definition uses the word "land" in the last part of the sentence so does that mean the word land should be used and not property?

#### **~~611.4. Rental Programs~~**

~~611.4 1. Available Rental Programs. Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants and the Oneida Land Commission and the Comprehensive Housing Division shall jointly establish rules naming said programs and providing the specific requirements and regulations that apply to each program:~~

~~(a) Elder tribal members;~~

~~(b) Low income Oneida tribal members and families; and~~

~~(c) Tribal members in general.~~

~~611.4 2. Minimum Rental Eligibility Requirements. In order to be eligible for a rental agreement, applicants shall meet the following conditions:~~

~~(a) Be eighteen (18) years of age at the time of the application;~~

~~(b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;~~

~~(c) Meet the local governments' laws' requirements regarding residency restrictions for convicted sex offenders;~~

~~(d) Meet the income requirements for entering the rental agreement as determined by the rental program's governing rules;~~

~~(e) Not hold a residential lease with the Nation; and~~

~~(f) Meet any other eligibility requirements set by the rental program's rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low income Tribal members and families:~~

~~(1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but~~

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2024 09 18

~~(2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).~~

~~611.4 3. *Tenant Selection.* The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the selection of applicants for the issuance of rental agreements.~~

## 611.45. Rental Agreement Documents

611.45-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement are severable. If any provision of a rental agreement is void or unenforceable by reason of any law, rule, regulation, or judicial order, the invalidity or unenforceability of that provision does not affect other provisions of the rental agreement that can be given effect without the invalid or unenforceable provision.

611.45-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or termination of a rental agreement is not enforceable unless it meets the requirements of this law and is in writing.

(a) All rental agreements shall:

- (1) Set forth the amount of rent or other consideration provided in exchange for the ability to use/occupy the premises;
- (2) Set forth the required amount of security deposit and require payment of the security deposit prior to the tenant(s) taking use/occupancy of the premises;
- (3) Set the time of commencement and expiration of the rental agreement;
- (4) Provide a reasonably definite description of the premises;
- (5) ~~If the Nation is the landlord,~~ State that nothing in the agreement may be considered a waiver of the Nation's sovereign immunity, provided that tenants may seek enforcement of a rental agreement or dispute an action taken pursuant to a rental agreement with the Oneida Judiciary; and
- (6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking use/occupancy of the premises;

(A) The rental agreement is not required to be signed by all adults using/occupying the premises, provided that the rights and responsibilities contained in the rental agreement do not extend to persons that are not named as tenants in the rental agreement.

(B) Unless legally separated, if a tenant(s) is married, the landlord shall require that each spouse sign the rental agreement.

(b) Any provision of a rental agreement is void and unenforceable if it does any of the following:

- (1) Allows a landlord to do, or threaten to do, any of the following because a tenant has contacted an entity for law enforcement services, health services, or safety services:

(A) Increase rent;

(B) Decrease services;

(C) Bring an action for eviction ~~unless authorized by pursuant to the~~ Eviction and Termination law; and/or

(D) Refuse to renew a rental agreement.

- (2) Except as otherwise provided in this law in regards to domestic abuse,



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2024 09 18

authorizes the eviction or exclusion of a tenant from the premises other than through the process described in the Eviction and Termination law.

(3) Requires the tenant to pay attorney fees or costs incurred by the landlord in any legal action or dispute arising under the rental agreement except as supported by a court order.

(4) States that the landlord is not liable for property damage or personal injury caused by negligent acts or omissions of the landlord. This subsection does not affect ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(5) Imposes liability on the tenant for any of the following:

(A) Personal injury arising from causes clearly beyond the tenant's control.

(B) Property damage caused by natural disasters or by persons other than the tenant or the tenant's guests or invitees. This subsection does not affect ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(6) Waives any obligation on the part of the landlord to deliver the premises in a fit and habitable condition or to maintain the premises during the tenant's tenancy.

(7) Allows for periodic tenancy, which for the purposes of this section means when a tenant uses/occupies a premises without an effective and valid rental agreement by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week and month-to-month.

611.45-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements are not permitted under any circumstances.

## 611.56. Rights and Duties of Landlords and Tenants

611.56-1. This section governs the rights and duties of the landlord and tenant in the absence of any inconsistent provision found in a valid rental agreement.

611.56-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is evicted from the premises and leaves personal property, the landlord may presume that the tenant abandoned the personal property and may dispose of said the personal property in any manner that the landlord, in ~~their~~<sup>his or her</sup> sole discretion, determines is appropriate, provided that:

(a) The landlord shall hold personal property for a minimum of five (5) business days and the tenant may retrieve the personal property during that 5-day period after contacting the landlord.

(b) The landlord shall keep a written log of the date and the work time that the ~~Nation's~~<sup>landlord or the landlord's</sup> staff expends storing and/or removing personal property and/or removing/disposing of debris left at the property after the expiration of the 5-day period to vacate, as provided in section 611.5-2(a)

(c) The ~~Land Commission and the~~ Comprehensive Housing Division shall ~~jointly~~ create rules further governing the disposition of personal property ~~on Tribal land.~~

611.56-3. *Repairs; Untenability.* This section applies to all ~~leases~~<sup>rental agreements</sup> if there is no contrary provision in writing signed by both parties.

(a) *Duties of the Landlord.*

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2024 09 18

(1) Except for repairs made necessary by the negligence of, or improper use of the premises by the tenant, the landlord has a duty to do all of the following:

(A) Keep in a reasonable state of repair portions of the premises over which the landlord maintains control.

(B) Keep in a reasonable state of repair all equipment under the landlord's control necessary to supply services that the landlord has expressly or impliedly agreed to furnish to the tenant, such as heat, water, elevator, or air conditioning.

(C) Make all necessary structural repairs.

(D) Except as provided in section 611.56-3(b)(2), repair or replace any plumbing, electrical wiring, machinery, or equipment furnished with the premises and no longer in reasonable working condition.

(E) Comply with any laws or rules of the Nation that are applicable to the premises.

(2) If the premises are part of a building where other parts are occupied by one (1) or more other tenants, negligence or improper use by one (1) tenant does not relieve the landlord from the landlord's duty to make repairs as provided in 611.56-3(a)(1), provided that the landlord may require the responsible tenant to pay for such repairs.

(3) A landlord shall disclose to a prospective tenant, before entering into a rental agreement with or accepting any earnest money or security deposit from the prospective tenant, any violation of either the Building Code of the Oneida Nation or the Zoning and Shoreland Protection Ordinance if all of the following apply:

(A) The landlord has actual knowledge of the violation;

(B) The violation affects the dwelling unit that is the subject of the prospective rental agreement or a common area of the premises;

(C) The violation presents a significant threat to the prospective tenant's health or safety; and

(D) The violation has not yet been corrected but the landlord shall correct the violation prior to the tenant taking occupancy of the premises.

(4) If the premises are damaged by fire, water or other casualty, not the result of the negligence or intentional act of the landlord, this subsection is inapplicable and either section 611.56-3(b) or (c) governs.

(5) The landlord is responsible for all required pest control to keep the premises in a safe and healthy condition, provided that where an infestation has occurred due to the acts or inaction of the tenant the pest control costs may be assessed against the tenant.

(b) *Duties of the Tenant.*

(1) If the premises are damaged, including by an infestation of insects or other pests, due to the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the remediation, repair, or redecoration, and in such case the tenant shall reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proven otherwise by the tenant.

(2) The tenant shall keep plumbing, electrical wiring, machinery and equipment furnished with the premises in reasonable working order.

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2024 09 18

(3) Tenants shall comply with all laws and rules of the Nation.

(c) *Untenability*. If the premises become untenable because of damage by fire, water or other casualty or because of any condition hazardous to health, or if there is a substantial violation of section 611.56-3(a) materially affecting the health or safety of the tenant, the

tenant may move from the premises unless the landlord promptly repairs, rebuilds or eliminates the health hazard or the substantial violation of 611.56-3(a) materially affecting the health or safety of the tenant.

(1) The tenant may also move and terminate the rental agreement if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding or elimination would impose undue hardship on the tenant.

(2) If the tenant remains in possession, the landlord shall decrease rent for each month to the extent the tenant is deprived of the full normal use of the premises.

~~The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing how and when rent is decreased pursuant to this section.~~

This subsection does not authorize rent to be withheld in full, if the tenant remains in possession.

(3) If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenable and the landlord shall repay any rent paid in advance apportioned to the period after the premises become untenable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

(4) If the Nation is the landlord, alternative housing shall be provided to the extent that it is reasonably available.

(d) *Check-in sheet*. Landlords shall provide all new tenants with a check-in sheet when the tenant commences ~~his or her~~ their occupancy of the premises that the tenant may use to make comments, if any, about the condition of the premises. The landlord shall provide the tenant with seven (7) days from the date the tenant commences ~~his or her~~ their occupancy to complete the check-in sheet and return it to the landlord. The landlord is not required to provide the check-in sheet to a tenant upon renewal of a rental agreement.

(e) *Notice to Enter Required*. The landlord shall provide twenty-four (24) hour written notice prior to entering the tenant's premises where notice is required to either be personally served to the tenant or posted on the premises. A landlord is exempt from this notice requirement in the case of an emergency welfare check. The basis of a welfare check may include, but is not limited to the following:

(1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy based on reports of child abuse or neglect, medical concerns, suspicious activity or other reported information;

(2) The landlord suspects the tenant has abandoned the premises; and/or

(3) The landlord receives notice that the premise's utilities have been disconnected.

(f) *Acts of tenant not to affect rights of landlord*. No act of a tenant in acknowledging as landlord a person other than the tenant's original landlord can prejudice the right of the original landlord to possession of the premises.

(g) *Annual Inspection Required*. In the event the tenant renews the rental agreement for additional terms, the landlord shall, at a minimum, inspect the premises once annually.

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## 264 611.67. Domestic Abuse Protections

265 611.67-1. If a tenant notices the landlord of domestic abuse with of any of the following  
 266 documentation, regardless of marital status, the landlord shall change the locks to the premises  
 267 and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the  
 268 domestic abuser:

- 269 (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;
- 270 (b) An injunction order under Wis. Stat. 813.122 protecting a child of the ~~household~~tenant  
 271 from a co-tenant;
- 272 (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or ~~-child~~ of the  
 273 ~~household~~tenant from a co-tenant, based on the co-tenant's engaging in an act that would  
 274 constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under  
 275 Wis. Stat. 940.32, or attempting or threatening to do the same;
- 276 (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the  
 277 tenant;
- 278 (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a child  
 279 of the ~~household~~tenant under Wis. Stat. 940.225, 948.02 or 948.025;
- 280 (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the  
 281 ~~household~~tenant under Wis. Stat. 940.32; or
- 282 (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant  
 283 being arrested for committing a domestic abuse offense against the tenant under Wis. Stat.  
 284 968.075.

285 611.67-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-  
 286 tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain  
 287 on the premises for the longer of either the duration of the rental agreement or ninety (90) days  
 288 from the date the rental agreement is modified. If the latter applies, in addition to removing the  
 289 co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend  
 290 its duration.

291 611.67-3. The Eviction and Termination law provides tenants that are victims of domestic abuse  
 292 with a defense to eviction should the abusers actions be the cause for eviction.  
 293

## 294 611.78. Sex Offender Registry

295 611.78-1. Should a tenant request information about whether any other tenants are required to  
 296 register as a sex offender, the landlord shall provide the tenant with written notice that ~~they he or~~  
 297 ~~she~~ may obtain information about the sex offender registry and persons registered within the  
 298 registry by contacting the department of corrections. The landlord shall include in such notice the  
 299 appropriate telephone number and internet site of the department of corrections.  
 300

## 301 611.89. Termination of Tenancy at Death of Tenant

302 611.89-1. If a tenant dies, ~~his or her~~their tenancy is terminated as follows:

- 303 (a) If the deceased tenant was the only household member listed in the rental agreement,  
 304 immediately upon the death of the tenant;
- 305 (b) If there were additional adult household members aside from the deceased tenant listed  
 306 in the household within the rental agreement, then the later of the following, provided that  
 307 an adult household member remaining in the unit shall assume the tenancy responsibilities

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2024 09 18

under the rental agreement:

- (1) Six (6) months after the landlord receives notice, is advised, or otherwise becomes aware of the tenant's death, provided that any extension beyond the original term of the agreement requires an amendment or limited term rental agreement which covers the term of the extension; or
- (2) The expiration of the term of the rental agreement.

611.89-2. The deceased tenant or ~~his or her~~ their estate is not liable for any rent after the termination of ~~his or her~~ their tenancy. A landlord may not contact or communicate with a member of the deceased tenant's family for the purpose of obtaining from the family member rent for which the family member has no liability except that if adult household members remain in the rental unit following the deceased tenant's death in accordance with section 611.89-1 or 611.89-4, an adult household member shall assume the tenancy responsibilities pursuant to the rental agreement. 611.89-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises from any obligation under a rental agreement or any other liability to the landlord. 611.89-4. Where the Nation is the landlord, and if the deceased tenant is a Tribal member whose death renders a co-tenant no longer eligible for a rental agreement based on Tribal member status, the non-Tribal member tenant may remain in the premises as follows:

(a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section 611.89-1(b) above.

(b) If the rental agreement was on a rent-to-own basis, the remaining non-Tribal member tenant may remain in the premises for a maximum of six (6) months from the date of the Tribal member tenant's death unless the non-Tribal member tenant has a child that is a Tribal member. In the event the original tenants have a Tribal member child, the non-Tribal member tenant may remain in the premises under the rent-to-own agreement so long as the non-Tribal member tenant either:

(1) Transfers the premises and the rent-to-own agreement to a child of one (1) or both of the original tenants who is a Tribal member, eighteen years or older, and agrees to live in the premises; or

(2) Signs an agreement indicating that the premises and the rent-to-own agreement shall be transferred to a minor Tribal member child when the child is eighteen (18) years old.

(c) Should the non-Tribal member tenant satisfy the payment requirements of the rent-to-own agreement prior to the Tribal member child's eighteenth (18<sup>th</sup>) birthday, the rent-to-own agreement shall be extended at no additional cost to the tenant and conveyance postponed until the Tribal member child reaches eighteen (18) years of age and the rent-to-own agreement is transferred to the child.

(d) In the event the non-Tribal member tenant either has no children living in the premises that are Tribal members or declines to enter the agreement transferring the rent-to-own agreement to a Tribal member child, the rent-to-own agreement shall be terminated upon the tenant's ineligibility to remain in the rent-to-own program and a limited term rental agreement shall be executed.

~~611.9-5.~~ 611.8-5. Where a landlord is terminating a rental agreement entered on a rent-to-own basis based on death of a Tribal member tenant, the landlord shall pay the remaining co-tenant all equity the tenants may have accrued in accordance with the rental agreement.

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2024 09 18

353 **611.940. Landlord or Tenant Actions**

354 611.940-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions  
355 taken pursuant to this law and/or a rental agreement.

356 611.940-2. No administrative hearing body, including a board, committee or commission, is  
357 authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental  
358 agreement.

359 611.940-3. Where the Nation is the landlord any complaint filed with the judiciary ~~The landlord is~~  
360 ~~the Comprehensive Housing Division in regards to taking actions authorized under this law and~~  
361 ~~complaints filed with the Oneida Judiciary~~ shall name the Comprehensive Housing Division and  
362 the specific program.

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#### **611.10. Comprehensive Housing Division Rental Programs**

611.10-1. Available Rental Programs. Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants. Elder members of the Nation:

- (a) Low-income Oneida tribal members and families; and
- (b) Tribal members in general.

611.10-2. The Comprehensive Housing Division shall establish rules naming said programs and providing the specific requirements and regulations that apply to each program:

611.10-3. Minimum Rental Eligibility Requirements. In order to be eligible for a rental agreement with CHD, applicants shall meet the following conditions:

- (a) Be eighteen (18) years of age at the time of the application;
- (b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;
- (c) Meet local government laws and requirements regarding residency restrictions for convicted sex offenders;
- (d) Meet the income requirements for entering the rental agreement as determined by the rental program's governing rules;
- (e) Not hold a residential lease with the Nation; and
- (f) Meet any other eligibility requirements set by the rental program's rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low-income Tribal members and families:
  - (1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but
  - (2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).

**Commented [PH6]:** Clarify: is this 2 years prior to applying or 2 years after applying?

*End.*

Adopted – BC-10-12-16-C  
Emergency Amended –  
BC-01-25-17-C  
Emergency Extension –  
BC-07-26-17-I  
Amended—BC-12-13-17-D



**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-**

**Title 6. Property and Land- Chapter 611**  
**LANDLORD-TENANT**  
**Tsi' Yuhwatsyawá'ku Aolihwá'ke**  
*where it bound to the earth - issues*

611.1. Purpose and Policy  
611.2. Adoption, Amendment, Repeal  
611.3. Definitions  
~~611.4. Rental Programs~~  
611.45. Rental Agreement Documents  
611.56. Rights and Duties of Landlords and Tenants

611.67. Domestic Abuse Protections  
611.78. Sex Offender Registry  
611.89. Termination of Tenancy at Death of Tenant  
611.949. Landlord or Tenant Actions  
[611.10 Comprehensive Housing Division Rental Programs](#)

**611.1. Purpose and Policy**

611.1-1. *Purpose.* The purpose of this law 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](#) ~~of the Nation's rental programs.~~

611.1-2. *Policy.* It is the Nation's policy to provide a fair process to all landlords and tenants ~~of the Nation's rental programs~~ that preserves the peace, harmony, safety, health, [and](#) general welfare ~~of and~~ the Nation's [residents](#) ~~resources.~~

**611.2. Adoption, Amendment, Repeal**

611.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C and thereafter amended by resolution BC-12-13-17-D.

611.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

611.2-3. 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.

611.2-4. 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.

611.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**611.3. Definitions**

611.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Comprehensive Housing Division" ~~is~~ the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

(b) "Landlord" means [any person or entity within the Nation's jurisdiction](#) in ~~their~~ capacity to rent real property subject to a rental agreement.

(c) "Nation" means the Oneida Nation.

(d) "Premises" means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.

(e) “Rental Agreement” means a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent-to-own basis.

(f) “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(g) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted ~~jointly by the Land Commission and~~ by the Comprehensive Housing Division in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law, ~~provided that where such requirements relate solely to premises administered pursuant to federal funding, the Comprehensive Housing Division has sole authority.~~

(h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a rental agreement.

(i) “Tribal member” means an individual who is an enrolled member of the Nation.

(j) “Security Deposit” means a payment made to the landlord by the tenant to ensure that rent will be paid and other responsibilities of the rental agreement performed.

#### **611.4. — Rental Programs**

~~611.4 1. Available Rental Programs. Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants and the Oneida Land Commission and the Comprehensive Housing Division shall jointly establish rules naming said programs and providing the specific requirements and regulations that apply to each program:~~

~~(a) Elder tribal members;~~

~~(b) Low income Oneida tribal members and families; and~~

~~(c) Tribal members in general.~~

~~611.4 2. Minimum Rental Eligibility Requirements. In order to be eligible for a rental agreement, applicants shall meet the following conditions:~~

~~(a) Be eighteen (18) years of age at the time of the application;~~

~~(b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;~~

~~(c) Meet the local governments’ laws’ requirements regarding residency restrictions for convicted sex offenders;~~

~~(d) Meet the income requirements for entering the rental agreement as determined by the rental program’s governing rules;~~

~~(e) Not hold a residential lease with the Nation; and~~

~~(f) Meet any other eligibility requirements set by the rental program’s rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low income Tribal members and families:~~

~~(1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but~~

~~(2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).~~



~~611.4 3. *Tenant Selection.* The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the selection of applicants for the issuance of rental agreements.~~

**611.45. Rental Agreement Documents**

611.45-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement are severable. If any provision of a rental agreement is void or unenforceable by reason of any law, rule, regulation, or judicial order, the invalidity or unenforceability of that provision does not affect other provisions of the rental agreement that can be given effect without the invalid or unenforceable provision.

611.45-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or termination of a rental agreement is not enforceable unless it meets the requirements of this law and is in writing.

(a) All rental agreements shall:

(1) Set forth the amount of rent or other consideration provided in exchange for the ability to use/occupy the premises;

(2) Set forth the required amount of security deposit and require payment of the security deposit prior to the tenant(s) taking use/occupancy of the premises, if applicable;

(3) Set the time of commencement and expiration of the rental agreement;

(4) Provide a reasonably definite description of the premises;

(5) If the Nation is the landlord, sState that nothing in the agreement may be considered a waiver of the Nation's sovereign immunity, provided that tenants may seek enforcement of a rental agreement or dispute an action taken pursuant to a rental agreement with the Oneida Judiciary; and

(6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking use/occupancy of the premises;

(A) The rental agreement is not required to be signed by all adults using/occupying the premises, provided that the rights and responsibilities contained in the rental agreement do not extend to persons that are not named as tenants in the rental agreement.

(B) Unless legally separated, if a tenant(s) is married, the landlord shall require that each spouse sign the rental agreement.

(b) Any provision of a rental agreement that does any of the following is void and unenforceable.

(1) Allows a landlord to do or threaten to do any of the following because a tenant has contacted an entity for law enforcement services, health services or safety services:

(A) Increase rent;

(B) Decrease services;

(C) Bring an action for eviction unless authorized by ~~pursuant to~~ the Eviction and Termination law; and/or

(D) Refuse to renew a rental agreement.

(2) Except as otherwise provided in this law in regards to domestic abuse, authorizes the eviction or exclusion of a tenant from the premises other than through the process described in the Eviction and Termination law.



- (3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in any legal action or dispute arising under the rental agreement except as supported by a court order.
- (4) States that the landlord is not liable for property damage or personal injury caused by negligent acts or omissions of the landlord. This subsection does not affect ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.
- (5) Imposes liability on the tenant for any of the following:
- (A) Personal injury arising from causes clearly beyond the tenant's control.
  - (B) Property damage caused by natural disasters or by persons other than the tenant or the tenant's guests or invitees. This subsection does not affect ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.
- (6) Waives any obligation on the part of the landlord to deliver the premises in a fit and habitable condition or to maintain the premises during the tenant's tenancy.
- (7) Allows for periodic tenancy, which for the purposes of this section means when a tenant uses/occupies a premises without an effective and valid rental agreement by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week and month-to-month.

611.45-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements are not permitted under any circumstances.

#### **611.56. Rights and Duties of Landlords and Tenants**

611.56-1. This section governs the rights and duties of the landlord and tenant in the absence of any inconsistent provision found in a valid rental agreement.

611.56-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is evicted from the premises and leaves personal property, the landlord may presume that the tenant has abandoned the personal property and may dispose of said property in any manner that the landlord, in ~~their~~<sup>his or her</sup> sole discretion, determines is appropriate, provided that:

(a) The landlord shall hold personal property for a minimum of five (5) business days and the tenant may retrieve said personal property by contacting the landlord.

(b) The landlord shall keep a written log of the date and the work time that the ~~Nation's~~<sup>landlord or the landlord's</sup> staff expends storing and/or removing personal property and/or removing/disposing of debris left at the property after the expiration of the timeframe provided in the order to vacate.

(c) The ~~Land Commission and the~~ Comprehensive Housing Division shall ~~jointly~~ create rules further governing the disposition of personal property on Tribal land.

611.56-3. *Repairs; Untenability.* This section applies to all rental agreements~~leases~~ if there is no contrary provision in writing signed by both parties.

(a) *Duties of the Landlord.*

(1) Except for repairs made necessary by the negligence of, or improper use of the premises by the tenant, the landlord has a duty to do all of the following:

(A) Keep in a reasonable state of repair portions of the premises over which the landlord maintains control.

(B) Keep in a reasonable state of repair all equipment under the landlord's control necessary to supply services that the landlord has expressly or impliedly agreed to furnish to the tenant, such as heat, water, elevator, or air conditioning.

(C) Make all necessary structural repairs.

(D) Except as provided in section 611.56-3(b)(2), repair or replace any plumbing, electrical wiring, machinery, or equipment furnished with the premises and no longer in reasonable working condition.

(E) Comply with any laws or rules of the Nation that are applicable to the premises.

(2) If the premises are part of a building where other parts are occupied by one (1) or more other tenants, negligence or improper use by one (1) tenant does not relieve the landlord from the landlord's duty to make repairs as provided in 611.56-3(a)(1), provided that the landlord may require the responsible tenant to pay for such repairs.

(3) A landlord shall disclose to a prospective tenant, before entering into a rental agreement with or accepting any earnest money or security deposit from the prospective tenant, any violation of either the Building Code of the Oneida Nation or the Zoning and Shoreland Protection Ordinance if all of the following apply:

(A) The landlord has actual knowledge of the violation;

(B) The violation affects the dwelling unit that is the subject of the prospective rental agreement or a common area of the premises;

(C) The violation presents a significant threat to the prospective tenant's health or safety; and

(D) The violation has not yet been corrected but the landlord shall correct the violation prior to the tenant taking occupancy of the premises.

(4) If the premises are damaged by fire, water or other casualty, not the result of the negligence or intentional act of the landlord, this subsection is inapplicable and either section 611.56-3(b) or (c) governs.

(5) The landlord is responsible for all required pest control to keep the premises in a safe and healthy condition, provided that where an infestation has occurred due to the acts or inaction of the tenant the pest control costs may be assessed against the tenant.

*(b) Duties of the Tenant.*

(1) If the premises are damaged, including by an infestation of insects or other pests, due to the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the remediation, repair, or redecoration, and in such case the tenant shall reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proven otherwise by the tenant.

(2) The tenant shall keep plumbing, electrical wiring, machinery and equipment furnished with the premises in reasonable working order.

(3) Tenants shall comply with all laws and rules of the Nation.

*(c) Untenability.* If the premises become untenable because of damage by fire, water or other casualty or because of any condition hazardous to health, or if there is a substantial violation of section 611.56-3(a) materially affecting the health or safety of the tenant, the

tenant may move from the premises unless the landlord promptly repairs, rebuilds or eliminates the health hazard or the substantial violation of 611.56-3(a) materially affecting the health or safety of the tenant.

(1) The tenant may also move and terminate the rental agreement if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding or elimination would impose undue hardship on the tenant.

(2) If the tenant remains in possession, the landlord shall decrease rent for each month to the extent the tenant is deprived of the full normal use of the premises.

~~The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing how and when rent is decreased pursuant to this section.~~

This subsection does not authorize rent to be withheld in full, if the tenant remains in possession.

(3) If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenable and the landlord shall repay any rent paid in advance apportioned to the period after the premises become untenable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

(4) If the Nation is the landlord, alternative housing shall be provided to the extent that it is reasonably available.

(d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when the tenant commences ~~his or her~~ their occupancy of the premises that the tenant may use to make comments, if any, about the condition of the premises. The landlord shall provide the tenant with seven (7) days from the date the tenant commences ~~his or her~~ their occupancy to complete the check-in sheet and return it to the landlord. The landlord is not required to provide the check-in sheet to a tenant upon renewal of a rental agreement.

(e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written notice prior to entering the tenant's premises where notice is required to either be personally served to the tenant or posted on the premises. A landlord is exempt from this notice requirement in the case of an emergency welfare check. The basis of a welfare check may include, but is not limited to the following:

(1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy based on reports of child abuse or neglect, medical concerns, suspicious activity or other reported information;

(2) The landlord suspects the tenant has abandoned the premises; and/or

(3) The landlord receives notice that the premise's utilities have been disconnected.

(f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as landlord a person other than the tenant's original landlord can prejudice the right of the original landlord to possession of the premises.

(g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for additional terms, the landlord shall, at a minimum, inspect the premises once annually.

## **611.67. Domestic Abuse Protections**

611.67-1. If a tenant notices the landlord of domestic abuse with of any of the following documentation, regardless of marital status, the landlord shall change the locks to the premises and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the domestic abuser:

- (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;
- (b) An injunction order under Wis. Stat. 813.122 protecting a child of the ~~household~~tenant from a co-tenant;
- (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or ~~child~~ of the ~~household~~tenant from a co-tenant, based on the co-tenant's engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat. 940.32, or attempting or threatening to do the same;
- (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the tenant;
- (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a child of the ~~household~~tenant under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the ~~household~~tenant under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant being arrested for committing a domestic abuse offense against the tenant under Wis. Stat. 968.075.

611.67-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain on the premises for the longer of either the duration of the rental agreement or ninety (90) days from the date the rental agreement is modified. If the latter applies, in addition to removing the co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend its duration.

611.67-3. The Eviction and Termination law provides tenants that are victims of domestic abuse with a defense to eviction should the abusers actions be the cause for eviction.

### **611.78. Sex Offender Registry**

611.78-1. Should a tenant request information about whether any other tenants are required to register as a sex offender, the landlord shall provide the tenant with written notice that ~~they he or she~~ may obtain information about the sex offender registry and persons registered within the registry by contacting the department of corrections. The landlord shall include in such notice the appropriate telephone number and internet site of the department of corrections.

### **611.89. Termination of Tenancy at Death of Tenant**

611.89-1. If a tenant dies, ~~his or her~~their tenancy is terminated as follows:

- (a) If the deceased tenant was the only household member listed in the rental agreement, immediately upon the death of the tenant;
- (b) If there were additional adult household members aside from the deceased tenant listed in the household within the rental agreement, then the later of the following, provided that an adult household member remaining in the unit shall assume the tenancy responsibilities under the rental agreement:

- (1) Six (6) months after the landlord receives notice, is advised, or otherwise becomes aware of the tenant's death, provided that any extension beyond the original term of the agreement requires an amendment or limited term rental agreement which covers the term of the extension; or
- (2) The expiration of the term of the rental agreement.

611.9-2. The deceased tenant or ~~his or her~~their estate is not liable for any rent after the termination of ~~his or her~~their tenancy. A landlord may not contact or communicate with a member

of the deceased tenant's family for the purpose of obtaining from the family member rent for which the family member has no liability except that if adult household members remain in the rental unit following the deceased tenant's death in accordance with section 611.89-1 or 611.89-4, an adult household member shall assume the tenancy responsibilities pursuant to the rental agreement. 611.89-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises from any obligation under a rental agreement or any other liability to the landlord.

611.89-4. Where the Nation is the landlord, and if the deceased tenant is a Tribal member whose death renders a co-tenant no longer eligible for a rental agreement based on Tribal member status, the non-Tribal member tenant may remain in the premises as follows:

(a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section 611.89-1(b) above.

(b) If the rental agreement was on a rent-to-own basis, the remaining non-Tribal member tenant may remain in the premises for a maximum of six (6) months from the date of the Tribal member tenant's death unless the non-Tribal member tenant has a child that is a Tribal member. In the event the original tenants have a Tribal member child, the non-Tribal member tenant may remain in the premises under the rent-to-own agreement so long as the non-Tribal member tenant either:

(1) Transfers the premises and the rent-to-own agreement to a child of one (1) or both of the original tenants who is a Tribal member, eighteen years or older, and agrees to live in the premises; or

(2) Signs an agreement indicating that the premises and the rent-to-own agreement shall be transferred to a minor Tribal member child when the child is eighteen (18) years old.

(c) Should the non-Tribal member tenant satisfy the payment requirements of the rent-to-own agreement prior to the Tribal member child's eighteenth (18<sup>th</sup>) birthday, the rent-to-own agreement shall be extended at no additional cost to the tenant and conveyance postponed until the Tribal member child reaches eighteen (18) years of age and the rent-to-own agreement is transferred to the child.

(d) In the event the non-Tribal member tenant either has no children living in the premises that are Tribal members or declines to enter the agreement transferring the rent-to-own agreement to a Tribal member child, the rent-to-own agreement shall be terminated upon the tenant's ineligibility to remain in the rent-to-own program and a limited term rental agreement shall be executed.

~~611.9-5.~~ 611.8-5. Where a landlord is terminating a rental agreement entered on a rent-to-own basis based on death of a Tribal member tenant, the landlord shall pay the remaining co-tenant all equity the tenants may have accrued in accordance with the rental agreement.

#### **611.9-10. Landlord or Tenant Actions**

611.9-10-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law and/or a rental agreement.

611.9-10-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental agreement.

611.9-10-3. Where the Nation is the landlord any complaint filed with the judiciary ~~The landlord is the Comprehensive Housing Division in regards to taking actions authorized under this law and complaints filed with the Oneida Judiciary~~ shall name the Comprehensive Housing Division and the specific program.



**611.10. Comprehensive Housing Division Rental Programs**

611.10-1. Available Rental Programs. Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants. The Comprehensive Housing Division shall establish rules naming said programs and providing the specific requirements and regulations that apply to each program:

- (a) Elder members of the Nation;
- (b) Low-income Oneida tribal members and families; and
- (c) Tribal members in general.

611.10-2. Minimum Rental Eligibility Requirements. In order to be eligible for a rental agreement with CHD, applicants shall meet the following conditions:

- (a) Be eighteen (18) years of age at the time of the application;
- (b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;
- (c) Meet the local governments' laws' requirements regarding residency restrictions for convicted sex offenders;
- (d) Meet the income requirements for entering the rental agreement as determined by the rental program's governing rules;
- (e) Not hold a residential lease with the Nation; and
- (f) Meet any other eligibility requirements set by the rental program's rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low-income Tribal members and families:
  - (1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but
  - (2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).

*End.*

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Adopted – BC-10-12-16-C  
Emergency Amended – BC-01-25-17-C  
Emergency Extension – BC-07-26-17-I  
Amended—BC-12-13-17-D



Legislative Operating Committee  
May 7, 2025

# Workplace Violence Law Amendments

<b>Submission Date:</b> 2/6/19	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Jennifer Webster	<b>Emergency Enacted:</b> N/A

**Summary:** *This item was carried over from the last two (2) terms. This request for amendments to the Workplace Violence law was added to the AFL in February 2019 upon request of the Nation's Human Resources Department. The Nation's Human Resources Department requested amendments to the Workplace Violence law to address investigative enforcement. Amendments are being sought to delegate authority to investigators to put employees on investigative leave, and discipline employees. An amendment was also sought so that if terminated, an employee would be ineligible for employment with the Nation but may request forgiveness after five (5) years. This item was added to the AFL in conjunctions with a request for amendments to the Oneida Personnel Policies and Procedures and the Investigative Leave Policy.*

**2/6/19 LOC:** Motion by Jennifer Webster to add the Workplace Violence law, Investigative Leave Policy, and Oneida Personnel Policies and Procedures to the active files list and assign David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**10/7/20 LOC:** Motion by Jennifer Webster to add the Workplace Violence Law Amendments to the Active Files List with Marie Summers as the sponsor; seconded by Marie Summers. Motion carried unanimously.

**8/18/21 LOC:** Motion by Kirby Metoxen to accept the information provided in the request *[for amendments to the Workplace Violence law to address employment eligibility after termination due to workplace violence]* as FYI; seconded by Marie Summers. Motion carried unanimously.

**8/29/22:** *Work Meeting.* Present: Todd Vanden Heuvel, Matthew Denny, Nicolas Reynolds, Wendy Alvarez, Whitney Wheelock, Clorissa Santiago, Carolyn Salutz, David Jordan, Jennifer Webster, Kirby Metoxen, Kristal Hill, Rhiannon Metoxen. The purpose of this work meeting was to review the law line-by-line and collect input from LOC and HRD.

**9/07/22:** *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Summers, Clorissa Santiago, Carolyn Salutz, Grace Elliott, Rhiannon Metoxen, Kristal Hill. The purpose of this work meeting was to gather LOC input on HRD's suggested amendments.



- 9/21/22:** *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Summers, Jennifer Webster, Daniel Guzman, Clorissa Santiago, Carolyn Salutz, Grace Elliott. The purpose of this work meeting was to review proposed line edits to the law. The LOC made several suggestions, including adding in “social media”; clarifying Section 223.4 Applicability; making sure the supervisor will be notified throughout the process of reporting and investigation. Overall, the law is still wordy and could be simplified and reduced.
- 1/6/23:** *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Cornelius, Jennifer Webster, Daniel Guzman, Todd Vanden Heuvel, Matthew Denny, Nicholas Reynolds, Rita Reiter, Carolyn Salutz, Grace Elliott. The purpose of this work meeting was to review the procedures of investigative leave, and employment ineligibility. During the meeting it was discussed if the procedures of investigation and follow-up would be better placed within the Investigative Leave policy.
- 1/31/23:** *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Cornelius, Jennifer Webster, Daniel Guzman, Todd Vanden Heuvel, Matthew Denny, Nicholas Reynolds, Rita Reiter, Joshua Cottrell, Peggy Van Gheem, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Rhiannon Metoxen. The purpose of this work meeting was to review final changes and receive final guidance from HRD on all changes – and changes relating to investigations, the scope and coverage of the law, employment eligibility, and next steps. Clarity needed on extending this law to adequately cover incidents of violence that occur outside work hours, the scope of EEO responsibilities related to investigations that don’t lead to investigative leave, employment eligibility.
- 10/4/23 LOC:** Motion by Jonas Hill to add the Workplace Violence Law Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.
- 7/29/24:** *Work Meeting.* Present: Jameson Wilson, Carolyn Salutz, Clorissa Leeman (Microsoft Teams), Jennifer Webster (Microsoft Teams), Maureen Perkins (Microsoft Teams), Kristal Hill (Microsoft Teams), Todd Vanden Heuvel (Microsoft Teams), Rita Reiter (Microsoft Teams), Laura Laitinen-Warren (Microsoft Teams). The purpose of this work meeting was to review the draft, we did a line-by-line review of the entire draft. One issue left to consider: how involved do we want supervisors to be in determining the final resolution? Should supervisors be involved in deciding the final resolution with EEO/HRD or not involved but able to dispute the final resolution or not involved or able to dispute. A suggestion was to invite managers, supervisors, etc., to next work meeting to discuss.
- 9/4/24 LOC:** Motion by Jonas Hill to accept the request for amendments to the Workplace Violence law as information, noting the Workplace Violence law is already on the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.
- 10/18/24:** *Work Meeting.* Present: Matthew Denny, Todd Vanden Heuvel, Laura Laiten-Warren, Peggy Van Gheem, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell,

Kristal Hill, Maureen Perkins, Jameson Wilson, Kirby Metoxen, Marlon Skenandore. The purpose of this work meeting was to review the draft, we did a line-by-line edit. No major suggestions for edits were brought up, the work group was satisfied with the current amendments; there were minor suggestions for changes; wording, more inclusion of the law office in workplace violence investigations. There was a lot of discussion on the supervisor's role in the investigation and discipline.

**1/13/25:** *Work Meeting.* Present: Laura Laiten-Warren, Marie Cornelius, Peggy Van Gheem, Grace Elliott, Carolyn Salutz, Maureen Perkins, Fawn Billie, Jameson Wilson, Marlon Skenandore, Jonas Hill, Jennifer Webster, Kirby Metoxen. The purpose of this work meeting was to continue to review edits. We did a line-by-line review of the entire draft. The group was still satisfied with the amendments and no major suggestions were made; most suggestions were to clarify processes or definitions. Carolyn will summarize notes and send to attendees, work on newest amendments, and then schedule the next work meeting.

**2/14/25:** *Work Meeting.* Present: Laura Laiten-Warren, Matthew Denny, Peggy Van Gheem, Kristal Hill, Fawn Cottrell, Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster. The purpose of this meeting was to review the latest amendments. There was a brief back-and-forth between Matt Denny and Peggy about when the EEO Office should notify the law office – Peggy said immediately when an investigation is started, Matt said EEO should be required to notify them immediately. This is an issue the LOC will decide and consider. Other issues involved clarifying some language and making sure all reporting goes to EEO, but that EEO will communicate with HRD and vice versa if needed – but not many other issues.

**2/19/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Kristal Hill, Fawn Cottrell, Carolyn Salutz, Clorissa Leeman, Grace Elliott. The purpose of this work meeting is to review and decide on an issue that came up during the work meeting on 2/14/25: should the law require EEO to report to the law office at the start of every investigation. By majority, LOC decided they do want to require EEO to report to the law office at the start of every investigation.

**3/5/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was for Carolyn to review her reasoning on why it may not be necessary for the law to require EEO to report to the law office at the start of each investigation. Jenny was, at first, still in favor of requiring reporting but eventually LOC did arrive at a consensus to not require it but instead allow it. So, EEO reporting to the law office at the start of each investigation will not be required.

**5/2/25:** *Work Meeting.* Present: Matthew Denny, Ria Reiter, Whitney Wheelock, Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Fawn Billie, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Carolyn Salutz. The purpose of this work meeting is to review the newest edits to the draft. The work group reviewed the entire draft, No discussion was needed, the group was satisfied with the amendments.

**Next Steps:**

- Approve the draft of proposed amendments to the Workplace Violence Law and direct that a legislative analysis be completed.

**Title 2. Employment – Chapter 223**  
**WORKPLACE VIOLENCE**  
**ONEIDA**  
**TRANSLATION**

223.1.	Purpose and Policy	Responsibilities	
223.2.	Adoption, Amendment, Appeal	223.10.	Employment Eligibility
223.3.	Definitions	223.11.	Fraudulent Report
223.4.	Application	223.12.	Confidentiality
223.5.	Prohibited Behavior	223.13.	Enforcement
223.6.	Reporting Workplace Violence		
223.7.	Reporting Restraining Orders <u>and Injunctions</u>		
223.8.	Future Workplace Violence		
223.9.	<u>EEO ("Equal Employment Opportunity Department")</u>		

**223.1. Purpose and Policy**

223.1-1. *Purpose.* The purpose of this law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence.

223.1-2. *Policy.* It is the policy of the Nation to provide a safe and secure environment for employees to work and conduct business by establishing the procedures by which incidents of workplace violence shall be addressed.

**223.2. Adoption, Amendment, Repeal**

223.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-E.

223.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

223.2-3. 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.

223.2-4. 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.

223.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**223.3. Definitions**

223.3-1. This section shall govern the definitions of words and phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "EEO-~~Department~~" means the Equal Employment Opportunity Department within the Nation's Human Resources Department.

(b) "EEO Officer" means the employee from within the EEO Department, or the employee the EEO Department assigns as designee, responsible for completing the requirements of section 223.9 of this law.

(c) "Employee" means any person employed by the Nation in one of the following capacities: full-time, part-time, emergency temporary, limited term, or on a contractual basis.

(d) "Final resolution~~decision~~" means the ultimate decision issued from the EEO Department, the Nation's Human Resources Executive Director ~~Department~~, and the employee's supervisor regarding the allegation and investigation of the incident of workplace violence.

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(e) “Harassing” means a pattern of conduct composed of a series of acts over a period of time evidencing a continuity of purpose; the purpose being intimidation, or creating a threat, and which serves no legitimate purpose.

(f) “Intimidation” means making others feel afraid or fearful through threatening behavior.

(g) “Nation” means the Oneida Nation.

(h) “Official duties” mean the duties of any employee of the Nation when that employee is actively performing their job requirements.

(i) “Roughhousing” means wildly playful, rough, noisy, or mischievous behavior.

(j) “Stalking” means unwanted or obsessive attention by an individual or group toward a specific person or more than one person. Stalking involves repeated visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person to feel unsafe.

(k) “Supervisor” means the person or entity responsible for directly overseeing the employee.

(l) “Threat” means the implication or expression of intent to inflict serious physical or emotional harm or actions that a reasonable person would interpret as a threat to their safety, the safety of a member of their family, or their property.

(m) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended to cause harm to oneself or others.

(n) “Workplace” means any location owned and operated by the Nation, any location or event where an employee represents the Nation, including over-the-road travel in the Nation’s owned or rented vehicles, circumstances where the employee is being reimbursed for expenses for attending, participating, or the time and manner the employee spends traveling to and from the event.

(o) “Workplace Violence” means any intentional act committed by an employee in a workplace or in a setting or circumstance otherwise reasonably related to employment with the Nation that:

(1) inflicts, attempts to inflict, or threatens to inflict emotional or physical harm on another person; or

(2) inflicts, attempts to inflict, or threatens to inflict damage to property of the Nation or property of another.

#### **223.4. Application**

223.4-1. This law applies to all employees in any of the Nation’s workplaces and covers workplace violence whether the employee commits workplace violence during or outside the employee’s normal work hours as long as the incident of workplace violence is reasonably connected to the workplace.

#### **223.5. Prohibited Behavior**

223.5-1. *Prohibited Behaviors.* Examples of workplace violence include, but are not limited to, the following prohibited behaviors:

(a) intentionally causing physical injury to another person; which can include;

(1) hitting or shoving; or

(2) throwing an object at an individual;

(b) fighting or roughhousing that may be dangerous to others;

~~(b)~~(c) direct threats or intimidation;

~~(c)~~(d) implications or suggestions of violence;

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- (e) stalking;
- (f) possessing, carrying, or using a weapon of any kind, whether in the open or concealed, on property of the Nation, including parking lots, in fleet vehicles, on other exterior premises, or while engaged in activities for the Nation;
- (g) physical restraint or confinement;
- (h) an established pattern of loud, disruptive, angry, or abusive language or behavior;
- (i) sending a threatening, harassing, or abusive message by e-mail, letter, fax, phone call, text message or any other form of electronic media, including all social media platforms;
- (j) using the workplace to violate restraining orders;
- (k) intentionally damaging property of the Nation or property of another;
- (l) ~~throwing an object at an individual~~; and
- (m) any other act that a reasonable person would perceive as constituting a threat of violence or actual violence.

223.5-2. *Exceptions to Prohibited Behavior.* An employee shall not be considered to have committed the prohibited behavior of possessing, carrying, or using a weapon under section 223.5-1(f) if the employee is actively:

- (a) performing official duties which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of those official duties;
- (b) participating in cultural activities or ceremonies on property of the Nation which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of the cultural activities or ceremonies;
- (c) hunting, fishing, or trapping on property of the Nation in accordance with the Nation's laws and rules governing hunting, fishing, and trapping and the weapon is possessed, carried, or used within the normal scope of hunting, fishing, or trapping; or
- (d) Any other action that is consistent with laws of the Nation.

## 223.6. Reporting Workplace Violence

223.6-1. ~~The EEO Department~~ is responsible for investigating complaints, issuing the final decision, and all other duties and responsibilities detailed in section 223.9.

223.6-2. *Reporting by a non-employee.* Any non-employee is encouraged to report threats or observed workplace violence that occurs in the Nation's facilities and workplaces. A report of workplace violence given to an employee from a non-employee shall be promptly reported ~~in writing~~ by the employee to ~~the EEO Department or the Nation's Human Resources Department.~~

223.6-3. *Permissive Reporting by an Employee.* Any employee may report workplace violence to ~~the EEO Department~~ where the employee:

- (a) is the victim of workplace violence; or
- (b) has been threatened with workplace violence.

223.6-4. *Mandatory Reporting by an Employee.* Any employee shall promptly report ~~in writing~~ workplace violence to ~~the EEO Department~~ where the employee witnesses a threat or an incident of workplace violence or is informed by a non-employee of a threat or an incident of workplace violence.

- (a) *Emergency Situation.* If an emergency exists or the situation is one of immediate danger to the life and safety of a person, the employee shall, if possible, without causing themselves to be in danger, contact the Oneida Police Department or local law enforcement, and facility security, if appropriate, and take whatever emergency steps are



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available and appropriate to protect themselves from immediate harm. The employee shall report the incident ~~in writing to the EEO Department~~ as soon as possible.

(b) *Non-Emergency Situation.* If a non-emergency exists or the situation is not one of immediate danger to the life and safety of a person, the employee shall report the incident ~~in writing to the EEO Department~~ as soon as possible.

223.6-5. EEO and the Nation's Human Resources Department are responsible for communicating and sharing information with each other to ensure that all complaints and investigations are properly and timely handled.

223.6-6. Any employee can be in compliance with this law if the employee contacts or communicates, either verbally or in writing, with either EEO or the Nation's Human Resources Department to report an incident of workplace violence.

(b) If an employee verbally reports an incident of workplace violence to either EEO or the Nation's Human Resources Department, whichever department receives the report should instruct that employee to submit a written report to EEO.

**223.7. Reporting Restraining Orders and Injunctions.** ~~Any employee who possesses a current restraining order against another employee, shall immediately, upon receipt of the signed order, give a copy of the signed order to the Oneida Nation Human Resource Department.~~

223.7-1. Voluntary reporting. Any employee who obtains a restraining order or injunction against another employee may provide EEO a copy of the signed order.

223.7-2. Mandatory reporting. Any employee who is issued a restraining order or injunction regarding another employee, shall immediately, upon receipt of the signed order against them, give a copy of the signed order to EEO.

(a) Any employee who does not immediately, upon receipt of a restraining order or injunction against them, provide a copy of the restraining order or injunction to EEO may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination.

223.7-3. EEO shall immediately provide copies of the restraining order or injunction to the employee's supervisor and the Nation's Human Resources Executive Director.

## **223.8. Future Workplace Violence**

223.8-1. Where an employee has reason to believe that another employee may be victimized sometime in the future, either at the workplace or as a direct result of their employment with the Nation, the employee is encouraged to provide this information ~~in writing to the EEO Department or the Human Resources Department~~ as soon as possible for an initial assessment pursuant to section 223.98. ~~The EEO Department or the Human Resources Department~~ shall inform the Oneida Police Department, local law enforcement, or facility security if appropriate.

223.8-2. *Anonymous threats.* If an employee learns of an anonymous threat, the employee shall immediately forward the information in a confidential manner to the Chief of the Oneida Police Department in accordance with the Nation's laws, policies, and rules governing anonymous letters. The employee shall also immediately notify ~~the EEO Department or the Human Resources Department and the employee's supervisor.~~

## **223.9. EEO ("Equal Employment Opportunity Department") Responsibilities**

223.9-1. EEO is responsible for investigating complaints of workplace violence and will delegate such responsibilities to one employee from within EEO, who shall be known as the EEO Officer.



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223.9-2. When ~~the EEO Department~~ receives a complaint of workplace violence, whether verbal or in writing, the EEO Officer shall promptly notify in writing the immediate supervisor of the employee being complained about so the immediate supervisor:

- (a) is aware that the EEO Officer will be investigating the employee;
- (b) knows the EEO Officer may place the employee on investigative leave if they determine investigative leave to be necessary; and
- (c) knows they will be responsible, along with the EEO Officer and the Nation's Human Resources Executive Director, for implementing the final decision.

223.9-3. The EEO Officer shall promptly conduct a thorough investigation which may include the following duties:

- (a) coordinate with all involved agencies or departments;
- (b) meet with the employee filing the complaint;
- (c) visit the scene of the incident as soon as possible;
- (d) interview employees and other witnesses;
- (e) contact the Oneida Police Department or any other appropriate law enforcement agency when necessary;
- (f) send weekly updates to the employee's supervisor;
- (g) review relevant video surveillance footage if available, in accordance with standard operating procedures on the subject; and
- (h) conduct any other investigative methods necessary for a thorough investigation.

~~223.9-4. When the EEO Officer begins an investigation the EEO Officer shall inform the Oneida Law Office.~~

223.9-~~4~~<sup>5</sup>. In performing these investigative duties, the EEO Officer shall not interfere in the investigation of any law enforcement agencies. If, at any time, criminal charges are brought against an employee as a result of an incident of workplace violence, the employee shall be placed on investigative leave in accordance with the Nation's laws, policies, and rules governing investigative leave.

223.9-~~5~~<sup>6</sup>. The EEO Officer shall conclude the investigation when the EEO Officer obtains enough verifiable facts and information regarding the incident under investigation in order to make a safe and equitable final decision.

223.9-~~6~~<sup>7</sup>. *Mitigation.* During the investigation, the EEO Officer and the Nation's Human Resources Executive Director are encouraged to examine the workplace for security risk factors and record any mitigating actions that could be implemented to prevent a similar occurrence of workplace violence.

223.9-~~7~~<sup>8</sup>. *Investigative Leave.* The EEO Officer may place an employee alleged to be involved in an incident of workplace violence on investigative leave in accordance with the Nation's laws, policies, and rules governing investigative leave.

223.9-~~8~~<sup>9</sup>. *Final ~~resolution~~ decision.* The EEO Officer shall meet with the Nation's Human Resources Executive Director and the employee's supervisor to mutually determine an appropriate final ~~resolution~~ decision.

(a) Format. The final ~~resolution~~ decision shall be in writing, contain justification, ~~for the final resolution~~, and be signed by the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor.

(b) Record keeping. The final ~~resolution~~ decision and all supporting documentation, included in the Investigative file, shall be filed with ~~the EEO Department~~ for reporting purposes.

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(c) Investigative file. Three business days before the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor meet to determine the final decision, the EEO Officer should share the investigative file with the employee's supervisor.

### **223.10. Employment Eligibility**

223.10-1. *Employee Resignation.* An employee who resigns from their position when there is an ongoing workplace violence investigation or in lieu of termination shall not be eligible for hiring consideration in any position with the Nation. The employee may be eligible for employment in a different position with the Nation three (3) years from the date of resignation if the employee receives a pardon from the Nation's Pardon and Forgiveness eCommittee. The EEO Officer shall remain responsible for completing the investigation in the event an employee resigns during an investigation.

223.10-2. *Employee Termination.* If, as a result of the completed workplace violence investigation, the employee is terminated, the employee shall not be eligible for hiring consideration in any position with the Nation. The employee may be eligible for employment in a different position with the Nation five (5) years from the date of termination if the employee receives a pardon from the Nation's Pardon and Forgiveness eCommittee.

223.10-3. *Immediate eligibility.* If, as the result of a completed investigation, the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor mutually determine in the final decision that no incident of workplace violence occurred, a copy of the final resolution decision shall be included in the employee's file and, if the employee resigned as a direct result of the workplace violence investigation, the employee shall be immediately eligible for re-hiring consideration with the Nation.

### **223.11. Fraudulent Report**

223.11-1. If at any time ~~the~~ EEO ~~Department~~ is made aware that an employee made a report of workplace violence other than in good faith, the employee may be disciplined according to the Nation's laws, policies, and rules governing employment, up to and including termination.

### **223.12. Confidentiality**

~~223.11-1. In appropriate circumstances, the EEO Officer may inform the reporting individual of the results of the investigation if doing so would not compromise the legally protected confidentiality of any other person.~~

223.12-1. To the greatest extent possible, the Nation shall maintain the confidentiality of employees and the investigation. However, the Nation may need to disclose results in appropriate circumstances; for example, in order to protect individual safety.

223.12-2. Information related to the application of this law is strictly confidential. Information shall not be disclosed to third parties unless:

- (a) the prior written consent of the alleged victim is obtained;
- (b) the release of information complies with a court order; or
- (c) the release of information is pursuant to applicable laws or policies.

### **223.13. Enforcement**

223.13-1. Any employee who violates this law may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination.

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266 223.13-2. Any employee who violates this law may be subject to removal from a workplace of  
267 the Nation.

268  
269 *End*

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271 

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Adopted – BC-06-28-17-E

**Title 2. Employment – Chapter 223**  
**WORKPLACE VIOLENCE**  
**ONEIDA**  
**TRANSLATION**

223.1.	Purpose and Policy	Responsibilities	
223.2.	Adoption, Amendment, Appeal	223.10.	Employment Eligibility
223.3.	Definitions	223.11.	Fraudulent Report
223.4.	Application	223.12.	Confidentiality
223.5.	Prohibited Behavior	223.13.	Enforcement
223.6.	Reporting Workplace Violence		
223.7.	Reporting Restraining Orders and Injunctions		
223.8.	Future Workplace Violence		
223.9.	EEO ("Equal Employment Opportunity Department")		

**223.1. Purpose and Policy**

223.1-1. *Purpose.* The purpose of this law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence.

223.1-2. *Policy.* It is the policy of the Nation to provide a safe and secure environment for employees to work and conduct business by establishing the procedures by which incidents of workplace violence shall be addressed.

**223.2. Adoption, Amendment, Repeal**

223.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-E.

223.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

223.2-3. 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.

223.2-4. 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.

223.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**223.3. Definitions**

223.3-1. This section shall govern the definitions of words and phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "EEO" means the Equal Employment Opportunity Department within the Nation's Human Resources Department.

(b) "EEO Officer" means the employee from within the EEO Department, or the employee the EEO Department assigns as designee, responsible for completing the requirements of section 223.9 of this law.

(c) "Employee" means any person employed by the Nation in one of the following capacities: full-time, part-time, emergency temporary, limited term, or on a contractual basis.

(d) "Final decision" means the ultimate decision issued from the EEO Department, the Nation's Human Resources Executive Director, and the employee's supervisor regarding the allegation and investigation of the incident of workplace violence.

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(e) “Harassing” means a pattern of conduct composed of a series of acts over a period of time evidencing a continuity of purpose; the purpose being intimidation, or creating a threat, and which serves no legitimate purpose.

(f) “Intimidation” means making others feel afraid or fearful through threatening behavior.

(g) “Nation” means the Oneida Nation.

(h) “Official duties” mean the duties of any employee of the Nation when that employee is actively performing their job requirements.

(i) “Roughhousing” means wildly playful, rough, noisy, or mischievous behavior.

(j) “Stalking” means unwanted or obsessive attention by an individual or group toward a specific person or more than one person. Stalking involves repeated visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person to feel unsafe.

(k) “Supervisor” means the person or entity responsible for directly overseeing the employee.

(l) “Threat” means the implication or expression of intent to inflict serious physical or emotional harm or actions that a reasonable person would interpret as a threat to their safety, the safety of a member of their family, or their property.

(m) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended to cause harm to oneself or others.

(n) “Workplace” means any location owned and operated by the Nation, any location or event where an employee represents the Nation, including over-the-road travel in the Nation’s owned or rented vehicles, circumstances where the employee is being reimbursed for expenses for attending, participating, or the time and manner the employee spends traveling to and from the event.

(o) “Workplace Violence” means any intentional act committed by an employee in a workplace or in a setting or circumstance otherwise reasonably related to employment with the Nation that:

(1) inflicts, attempts to inflict, or threatens to inflict emotional or physical harm on another person; or

(2) inflicts, attempts to inflict, or threatens to inflict damage to property of the Nation or property of another.

#### **223.4. Application**

223.4-1. This law applies to all employees in any of the Nation’s workplaces and covers workplace violence whether the employee commits workplace violence during or outside the employee’s normal work hours as long as the incident of workplace violence is reasonably connected to the workplace.

#### **223.5. Prohibited Behavior**

223.5-1. *Prohibited Behaviors.* Examples of workplace violence include, but are not limited to, the following prohibited behaviors:

(a) intentionally causing physical injury to another person; which can include;

(1) hitting or shoving or

(2) throwing an object at an individual;

(b) fighting or roughhousing that may be dangerous to others;

(c) direct threats or intimidation;

(d) implications or suggestions of violence;

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- (e) stalking;
- (f) possessing, carrying, or using a weapon of any kind, whether in the open or concealed, on property of the Nation, including parking lots, in fleet vehicles, on other exterior premises, or while engaged in activities for the Nation;
- (g) physical restraint or confinement;
- (h) an established pattern of loud, disruptive, angry, or abusive language or behavior;
- (i) sending a threatening, harassing, or abusive message by e-mail, letter, fax, phone call, text message or any other form of electronic media, including all social media platforms;
- (j) using the workplace to violate restraining orders;
- (k) intentionally damaging property of the Nation or property of another;
- (l) ; and
- (m) any other act that a reasonable person would perceive as constituting a threat of violence or actual violence.

223.5-2. *Exceptions to Prohibited Behavior.* An employee shall not be considered to have committed the prohibited behavior of possessing, carrying, or using a weapon under section 223.5-1(f) if the employee is actively:

- (a) performing official duties which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of those official duties;
- (b) participating in cultural activities or ceremonies on property of the Nation which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of the cultural activities or ceremonies;
- (c) hunting, fishing, or trapping on property of the Nation in accordance with the Nation's laws and rules governing hunting, fishing, and trapping and the weapon is possessed, carried, or used within the normal scope of hunting, fishing, or trapping; or
- (d) Any other action that is consistent with laws of the Nation.

## **223.6. Reporting Workplace Violence**

223.6-1. EEO is responsible for investigating complaints, issuing the final decision, and all other duties and responsibilities detailed in section 223.9.

223.6-2. *Reporting by a non-employee.* Any non-employee is encouraged to report threats or observed workplace violence that occurs in the Nation's facilities and workplaces. A report of workplace violence given to an employee from a non-employee shall be promptly reported by the employee to EEO

223.6-3. *Permissive Reporting by an Employee.* Any employee may report workplace violence to EEO where the employee:

- (a) is the victim of workplace violence; or
- (b) has been threatened with workplace violence.

223.6-4. *Mandatory Reporting by an Employee.* Any employee shall promptly report workplace violence to EEO where the employee witnesses a threat or an incident of workplace violence or is informed by a non-employee of a threat or an incident of workplace violence.

- (a) *Emergency Situation.* If an emergency exists or the situation is one of immediate danger to the life and safety of a person, the employee shall, if possible, without causing themselves to be in danger, contact the Oneida Police Department or local law enforcement, and facility security, if appropriate, and take whatever emergency steps are available and appropriate to protect themselves from immediate harm. The employee shall report the incident to EEO as soon as possible.

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(b) *Non-Emergency Situation.* If a non-emergency exists or the situation is not one of immediate danger to the life and safety of a person, the employee shall report the incident to EEO as soon as possible.

223.6-5. EEO and the Nation's Human Resources Department are responsible for communicating and sharing information with each other to ensure that all complaints and investigations are properly and timely handled.

223.6-6. Any employee can be in compliance with this law if the employee contacts or communicates, either verbally or in writing, with either EEO or the Nation's Human Resources Department to report an incident of workplace violence.

(b) If an employee verbally reports an incident of workplace violence to either EEO or the Nation's Human Resources Department, whichever department receives the report should instruct that employee to submit a written report to EEO.

### **223.7. Reporting Restraining Orders and Injunctions.**

223.7-1. *Voluntary reporting.* Any employee who obtains a restraining order or injunction against another employee may provide EEO a copy of the signed order.

223.7-2. *Mandatory reporting.* Any employee who is issued a restraining order or injunction regarding another employee, shall immediately, upon receipt of the signed order against them, give a copy of the signed order to EEO.

(a) Any employee who does not immediately, upon receipt of a restraining order or injunction against them, provide a copy of the restraining order or injunction to EEO may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination. 223.7-3. EEO shall immediately provide copies of the restraining order or injunction to the employee's supervisor and the Nation's Human Resources Executive Director.

### **223.8. Future Workplace Violence**

223.8-1. Where an employee has reason to believe that another employee may be victimized sometime in the future, either at the workplace or as a direct result of their employment with the Nation, the employee is encouraged to provide this information to EEO as soon as possible for an initial assessment pursuant to section 223.9. EEO shall inform the Oneida Police Department, local law enforcement, or facility security if appropriate.

223.8-2. *Anonymous threats.* If an employee learns of an anonymous threat, the employee shall immediately forward the information in a confidential manner to the Chief of the Oneida Police Department in accordance with the Nation's laws, policies, and rules governing anonymous letters. The employee shall also immediately notify EEO

### **223.9. EEO ("Equal Employment Opportunity Department") Responsibilities**

223.9-1. EEO is responsible for investigating complaints of workplace violence and will delegate such responsibilities to one employee from within EEO, who shall be known as the EEO Officer.

223.9-2. When EEO receives a complaint of workplace violence, whether verbal or in writing, the EEO Officer shall promptly notify in writing the immediate supervisor of the employee being complained about so the immediate supervisor:

(a) is aware that the EEO Officer will be investigating the employee;

(b) knows the EEO Officer may place the employee on investigative leave if they determine investigative leave to be necessary; and

(c) knows they will be responsible, along with the EEO Officer and the Nation's Human Resources Executive Director, for implementing the final decision.



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223.9-3. The EEO Officer shall promptly conduct a thorough investigation which may include the following duties:

- (a) coordinate with all involved agencies or departments;
- (b) meet with the employee filing the complaint;
- (c) visit the scene of the incident as soon as possible;
- (d) interview employees and other witnesses;
- (e) contact the Oneida Police Department or any other appropriate law enforcement agency when necessary;
- (f) send weekly updates to the employee's supervisor;
- (g) review relevant video surveillance footage if available, in accordance with standard operating procedures on the subject; and
- (h) conduct any other investigative methods necessary for a thorough investigation.

223.9-4. In performing these investigative duties, the EEO Officer shall not interfere in the investigation of any law enforcement agencies. If, at any time, criminal charges are brought against an employee as a result of an incident of workplace violence, the employee shall be placed on investigative leave in accordance with the Nation's laws, policies, and rules governing investigative leave.

223.9-5. The EEO Officer shall conclude the investigation when the EEO Officer obtains enough verifiable facts and information regarding the incident under investigation in order to make a safe and equitable final decision.

223.9-6. *Mitigation.* During the investigation, the EEO Officer and the Nation's Human Resources Executive Director are encouraged to examine the workplace for security risk factors and record any mitigating actions that could be implemented to prevent a similar occurrence of workplace violence.

223.9-7. *Investigative Leave.* The EEO Officer may place an employee alleged to be involved in an incident of workplace violence on investigative leave in accordance with the Nation's laws, policies, and rules governing investigative leave.

223.9-8. *Final decision.* The EEO Officer shall meet with the Nation's Human Resources Executive Director and the employee's supervisor to mutually determine an appropriate final decision.

(a) *Format.* The final decision shall be in writing, contain justification, and be signed by the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor.

(b) *Record keeping.* The final decision and all supporting documentation, included in the Investigative file, shall be filed with EEO for reporting purposes.

(c) *Investigative file.* Three business days before the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor meet to determine the final decision, the EEO Officer should share the investigative file with the employee's supervisor.

## **223.10. Employment Eligibility**

223.10-1. *Employee Resignation.* An employee who resigns from their position when there is an ongoing workplace violence investigation or in lieu of termination shall not be eligible for hiring consideration in any position with the Nation. The employee may be eligible for employment in a different position with the Nation three (3) years from the date of resignation if the employee receives a pardon from the Nation's Pardon and Forgiveness Committee. The EEO Officer shall remain responsible for completing the investigation in the event an employee resigns during an

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investigation.223.10-2. *Employee Termination*. If, as a result of the completed workplace violence investigation, the employee is terminated, the employee shall not be eligible for hiring consideration in any position with the Nation. The employee may be eligible for employment in a different position with the Nation five (5) years from the date of termination if the employee receives a pardon from the Nation's Pardon and Forgiveness Committee.

223.10-3. *Immediate eligibility*. If, as the result of a completed investigation, the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor mutually determine in the final decision that no incident of workplace violence occurred, a copy of the final decision shall be included in the employee's file and, if the employee resigned as a direct result of the workplace violence investigation, the employee shall be immediately eligible for re-hiring consideration with the Nation.

### **223.11. Fraudulent Report**

223.11-1. If at any time EEO is made aware that an employee made a report of workplace violence other than in good faith, the employee may be disciplined according to the Nation's laws, policies, and rules governing employment, up to and including termination.

### **223.12. Confidentiality**

223.12-1. To the greatest extent possible, the Nation shall maintain the confidentiality of employees and the investigation. However, the Nation may need to disclose results in appropriate circumstances; for example, in order to protect individual safety.

223.12-2. Information related to the application of this law is strictly confidential. Information shall not be disclosed to third parties unless:

- (a) the prior written consent of the alleged victim is obtained;
- (b) the release of information complies with a court order; or
- (c) the release of information is pursuant to applicable laws or policies.

### **223.13. Enforcement**

223.13-1. Any employee who violates this law may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination.

*End*

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Adopted – BC-06-28-17-E



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



## AGENDA REQUEST FORM

- 1) Request Date: 04/14/25
- 2) Contact Person(s): RaLinda Ninham-Lamberies  
 Dept: Finance  
 Phone Number: 4242 Email: rlamberi@oneidanation.org
- 3) Agenda Title: Chapter 203 Oneida Workers Compensation Law update
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
The CFO has transferred the duties for Workers Compensation from Risk Management to the Self Funded Insurance manager. Requesting update to the law as Section 203.4-1, 203.4-2 specifically list Risk Management as responsible entity

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

- |          |          |
|----------|----------|
| 1) _____ | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:  
 \_\_\_\_\_

- 6) Please list all other departments or person(s) you have brought your concern to:  
 \_\_\_\_\_

- 7) Do you consider this request urgent? ☐ Yes ☒ No

If yes, please indicate why:  
 \_\_\_\_\_

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

Signature of Requester:

*RaLinda Ninham-Lamberies*

Digitally signed by RaLinda Ninham-Lamberies  
 Date: 2025.04.14 11:56:10 -05'00'

*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



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



## AGENDA REQUEST FORM

- 1) Request Date: 5/1/25
- 2) Contact Person(s): Clorissa N. Leeman  
 Dept: Legislative Reference Office  
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: S. Benton - Personnel Policies and Procedures Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
On 4/14/25 the OBC acknowledged receipt this Petition and directed the LRO to complete a SOE for the Petition with status updates submitted to the 5/14/25 OBC meeting agenda and the first OBC meeting agenda of the month thereafter until final document submitted.

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

- 1) See Member's Only portion of website for more information.
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

- 5) Please list any laws, policies or resolutions that might be affected:  
Oneida Personnel Policies and Procedures
- 6) Please list all other departments or person(s) you have brought your concern to:  
 \_\_\_\_\_
- 7) Do you consider this request urgent? ☒ Yes ☐ No  
 If yes, please indicate why:  
Update on SOE due at 5/14/25 OBC meeting.

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



TO: Oneida Business Committee  
FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney  
DATE: May 7, 2025  
RE: Petition: S. Benton – Personnel Policies and Procedures Amendments

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On April 17, 2025, the Petition: S. Benton – Personnel Policies and Procedures Amendments (“the Petition”) was submitted to the Government Administrative Office by Sherrole Benton and has since been verified by the Oneida Trust Enrollment Department on March 24, 2025. On April 14, 2025, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the May 14, 2025, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. On May 7, 2025, the Legislative Operating Committee added the Petition to the Active Files List to be worked on by the Legislative Reference Office.

The Legislative Reference Office is currently working on the development of the statement of effect for this Petition.

**Requested Action**

Accept the status update regarding the statement of effect for the Petition: S. Benton – Personnel Policies and Procedures Amendments.



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



## AGENDA REQUEST FORM

- 1) Request Date: 5/1/25
- 2) Contact Person(s): Clorissa N. Leeman  
 Dept: Legislative Reference Office  
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: S. Benton - Trial Court Rules Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
On 4/14/25 the OBC acknowledged receipt this Petition and directed the LRO to complete a SOE for the Petition with status updates submitted to the 5/14/25 OBC meeting agenda and the first OBC meeting agenda of the month thereafter until final document submitted.

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

- 1) See Member's Only portion of website for more information.
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) Please list any laws, policies or resolutions that might be affected:  
 \_\_\_\_\_
- 6) Please list all other departments or person(s) you have brought your concern to:  
 \_\_\_\_\_
- 7) Do you consider this request urgent? ☒ Yes ☐ No  
 If yes, please indicate why:  
Update on SOE due at 5/14/25 OBC meeting.

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



TO: Oneida Business Committee  
FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney  
DATE: May 7, 2025  
RE: Petition: S. Benton – Trial Court Rules Amendments

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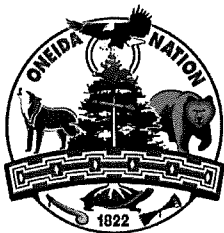
On April 17, 2025, the Petition: S. Benton – Trial Court Rules Amendments (“the Petition”) was submitted to the Government Administrative Office by Sherrole Benton and has since been verified by the Oneida Trust Enrollment Department on March 24, 2025. On April 14, 2025, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the May 14, 2025, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. On May 7, 2025, the Legislative Operating Committee added the Petition to the Active Files List to be worked on by the Legislative Reference Office.

The Legislative Reference Office is currently working on the development of the statement of effect for this Petition.

**Requested Action**

Accept the status update regarding the statement of effect for the Petition: S. Benton – Trial Court Rules Amendments.





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



## AGENDA REQUEST FORM

- 1) Request Date: May 2, 2025
- 2) Contact Person(s): Hon. Patricia Ninham Hoeft, Trial Court Judge  
Dept: Oneida Judiciary - Trial Court  
Phone Number: 920-496-7200 Email: phoeft@oneidanation.org
- 3) Agenda Title: Proposed Amendments to the Oneida Judiciary Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
Judiciary Law amendments to require judges to reside within the Nation's borders or within Brown & Outagamie counties, prohibit judges from working remotely in jurisdictions outside the Nation's borders or Brown/Outagamie counties, create a Judicial Council to ensure Chief Judges work together with all judges in the Judiciary.

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

- |   |  |
|---|--|
| 1) <u>Memo from P. Hoeft, dated 5-2-25</u>              | 3) <u>SOP Telecommuting 10-22-2020</u> |
| 2) <u>Copy of Judiciary Law with tracked amendments</u> | 4) _____                               |
- 5) Please list any laws, policies or resolutions that might be affected:  
Title 8. Judiciary - Chapter 801 Judiciary
  - 6) Please list all other departments or person(s) you have brought your concern to:  
Oneida Judiciary judges
  - 7) Do you consider this request urgent? ☒ Yes ☐ No  
If yes, please indicate why:  
Yes, to ensure the amendments are considered before the 2026 general election for judges

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

Signature of Requester:


Patricia Hoeft

*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: Oneida Legislative Operating Committee (LOC)

FROM: Hon. Patricia Ninham Hoeft, Oneida Trial Court Judge 

DATE: May 2, 2025

RE: Proposed amendment to the Judiciary Law: Eligibility requirements for judges

This is a request, in my individual role as a Trial Court Judge within the Oneida Judiciary, to propose 5 amendments to the Judiciary Law regarding: 1) Add to the list of definitions the term “Judiciary”, 2) Establish a Judicial Council responsible for the internal governance of the Judiciary, 3) Add a residency requirement to the list of qualifications for Judges; and 4) prohibit Judges after they are elected from moving their residency outside Brown and Outagamie counties; and finally, 5) prohibit judges from working remotely.

These proposed amendments are intended to ensure that judges elected to the Oneida Judiciary reside within the Oneida Nation borders or very near in Brown or Outagamie Counties in Wisconsin. The current Judiciary law does not provide a residency requirement for judges. It is an assumption that Oneida voters elect judges with the expectation and understanding that the judges would be living in the tribal community. Some studies found judges who live in the jurisdiction that they serve are able to be involved in the community where they learn and understand the needs and issues of the people they serve.

Also, the proposed amendments aim to ensure the Chief Judges work together, in cooperation and collaboration, with all judges of the Judiciary to govern the internal day-to-day administration of the Judiciary and provide oversight and accountability. This is important to prevent Chief Judges from acting alone.

Finally, the amendments aim to show that telecommuting and remote work are not the same. Telecommuting, as a flexible work arrangement is provided for Nation employees as governed by a standard operating procedure called “Telecommuting” and approved on October 22, 2020. The SOP should not apply to elected judges who do not have a supervisor or area manager as defined by the Oneida Personnel Policies and Procedures (OPPP). The SOP does not clearly establish whether it applies on a day-to-day basis to respond to situations when an employee is unable to report to their worksite or allows an employee to permanently work from a location of their choosing anywhere in the world.

I appreciate consideration of the proposed amendments to take place before the 2026 general election when judge positions will be on the ballot.

Attached is a copy of the Judiciary Law with the proposed amendments.

## **LIST OF PROPOSED AMENDMENTS**

### ☐ **801.3. Definitions.**

**Add this term:** “Judiciary” means the system of courts established by law adopted by the Oneida Business Committee or Oneida General Tribal Council and is composed of all judges elected and appointed to terms in those courts.

### ☐ **801.9. Internal Operating Procedures**

**Add this section:** 801.9-2. Judicial Council. The Chief Judge of the Appeals Court shall preside over a policymaking body of the Oneida Judiciary to establish, maintain and review the Judiciary’s internal operating policies and procedures.

- (a) Composition of the Council. The Council is composed of all elected and appointed Judges serving terms in the Judiciary.
- (b) Regular meetings. The Council shall meet annually in October; at the annual meeting the Council shall set a schedule of regular meetings for the year.
- (c) Manner of taking action. The Judges from each Court shall collectively possess one vote for each action to be approved or adopted. Approval or adoption of actions shall be by a consensus of the voting Judges.

### ☐ **801.11-1. *Qualifications for Judges.***

**Add this section:** (2) Physically resides in either Brown or Outagamie Counties of Wisconsin on the date of the election or appointment.

### ☐ **801.11-3. *Prohibitions.***




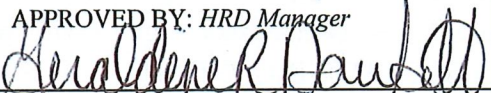
**Revise this section:** (a) While serving a term of office, ~~no Judge may~~ Judges shall not:

**Add this section:** (3) Physically move to reside in another jurisdiction outside Brown or Outagamie Counties of Wisconsin.

**Add this section:** (4) Be permitted to work remotely from a location geographically separate from the Oneida Judiciary courthouse.

## Attachments

1. Judiciary Law, Chapter 801 with proposed amendments
2. Telecommuting SOP, 10-22-2020

 <b>ONEIDA NATION</b> <b>STANDARD OPERATING</b> <b>PROCEDURE</b>	TITLE: Telecommuting	ORIGINATION DATE: April 8, 2020 REVISION DATE: October 22, 2020 EFFECTIVE DATE: After last signature
AUTHOR: HRD	APPROVED BY: <i>Compensation &amp; Benefits Director</i> 	DATE: 10/22/20
DEPARTMENT: All	REVIEW BY: <i>EEO Director</i> 	DATE: 10/22/20
DIVISION: All	APPROVED BY: <i>HRD Manager</i> 	DATE: 10/26/20
EEO REFERENCE NUMBER: 3283		
PAGE NO: 1 of 3		

# 1. PURPOSE

- 1.1 To establish guidelines and rules for a telecommuting process.

# 2. DEFINITIONS

- 2.1 Emergency: Fire, bomb threat, natural disasters, public health emergencies and Oneida Nation declared state of emergencies that threaten the safety and well-being of customers, employees, and vendors.
- 2.2 Telecommuting: a work arrangement that allows employees to work at home, on the road or in a satellite location for all or part of their work week.

# 3. WORK STANDARDS / PROCEDURES

- 3.1 Unless directed by an emergency, telecommuting agreements are entirely at the discretion of the supervisor. A supervisor is under no obligation to offer a telecommuting option to employees. Telecommuting is not a right or benefit.
- 3.2 Telecommuting employees must comply with all Oneida Nation policies, procedures, laws, and rules and regulations.
- 3.3 Telecommuting may be appropriate for some positions but not for others.
- 3.3.1 Each job position must be analyzed by the supervisor and Area Manager.
- 3.3.2 Business units may establish their own chain-of-command approvals.
- 3.3.3 Prior to allowing employees to telecommute, supervisors must complete the Oneida Nation Telecommuting Work Agreement.
- 3.4 Employee understands the supervisor may end or modify telecommuting work agreement with a minimum of 24-hour written notice to the employee.

- 3.5 Employee may request in writing to end or modify Telecommuting Work Agreement with a minimum of one week notice to their supervisor.
- 3.6 Employee agrees to be available in accordance with the Telecommuting Work Agreement.
- 3.7 Employee agrees to allow Oneida Nation Risk Management an onsite inspection of the designated work area if employee is injured and claims workers compensation.

Compensation:

- 3.8 Employee will continue to receive compensation at the same rates as prior to telecommuting, provided the employee is maintaining the same workload and employee status (part-time, half-time, or full-time).
- 3.9 Supervisor must use compensation code RGJB1 and enter Kronos comment code "TC – TELECOMMUTING: OFFSITE(PREAPPROVED)."

Work Hours:

- 3.10 Employee must report unforeseen "absences" as established in the department standards and procedures which prohibit the employee from working established hours.
- 3.11 Non-exempt employee must report exact time worked and report work completed on a weekly basis to their supervisor.

Telecommuting Office Furnishings and Maintenance:

- 3.12 Employee is responsible for the cost of establishing and maintaining a safe telecommuting work area.

Telecommuting Supplies and Equipment:

- 3.13 Contingent upon availability of funding, the department may provide to the employee certain equipment and supplies such as computer software, paper, ink cartridges, etc., as deemed necessary to perform assigned work.
- 3.14 It is understood that such equipment is the sole and exclusive property of the Oneida Nation and is subject to the same business restrictions as if it were on-site.

Notification of Equipment Failure:

- 3.15 Employee is expected to notify supervisor within 24 hours of equipment malfunction or failure.
  - 3.15.1 In the event of malfunction or failure, the Department may, at its sole discretion, supply the employee with temporary use of departmentally owned equipment.



Unauthorized Use or Destruction of Oneida Nation Property:

- 3.16 Equipment, supplies, and other property provided by the Department should be returned within five (5) business days of the Department supervisor's request.
- 3.17 Upon separation of employment, all equipment, supplies, documents, and other departmental property must be returned within five (5) days to the Department.
- 3.18 Employee shall be liable for damages caused by unauthorized use of such equipment.
  - 3.18.1 This may include, but it is not limited to, reimbursement of damaged equipment, disciplinary action, etc....

Reporting of Injury:

- 3.19 If an injury occurs during work time, the employee must adhere to the Oneida Nation Workers Compensation Law and reporting requirements.
  - 3.19.1 Verbally report injuries to the supervisor or designee within 48 hours.
  - 3.19.2 Written reports must be submitted within 10 calendar days.

Employer Liability:

- 3.20 The Oneida Nation assumes no liability for injuries that occur outside of the agreed upon work area or outside of established working hours.
- 3.21 The Oneida Nation makes no representations on the personal tax and insurance implication of this arrangement, it is the employee's obligation to address tax and insurance issues on their own.

4. **FORMS**

- 4.1 Telecommuting Work Agreement.

**PROPOSED AMENDMENTS, May 2, 2025****Title 8. Judiciary - Chapter 801****JUDICIARY****Tsi?latiliwahslu·nihe kayanlahsla?***Of the place they make matters or issues right*

801.1. Purpose and Policy  
 801.2. Adoption, Amendment, Repeal  
 801.3. Definitions  
 801.4. General Provisions  
 801.5. Trial Court  
 801.6. Peacemaking and Mediation Division  
 801.7. General Civil Division

801.8. Court of Appeals  
 801.9. Internal Operating Procedures  
 801.10. Rules of Pleading, Practice and Procedure  
 801.11. Judges  
 801.12. Reprimand, Suspension and Removal of Judges  
 801.13. Retirement

*Preamble*

*IN THE WAYS OF OUR ANCESTORS, and to honor and perpetuate our way of life for future generations; we the Oneida Tribe of Indians of Wisconsin, a sovereign, self-governing people in honor of our Haudenosaunee traditions, heritage, and cultural values, do hereby codify and establish through this law a comprehensive and impartial judiciary for the fair, harmonious and peaceful resolution of all matters affecting our members and our posterity.*

*It is the obligation of the Oneida Tribe, as a sovereign nation, to safeguard the individual human rights of our members and of others who may come within the jurisdiction of our Tribal government. In honoring our ancestors and generations yet to come, we preserve our heritage while adapting to the present world around us; respecting Oneida traditions, language, religious beliefs and practices, and utilizing these legacies to promote the present physical, educational, cultural, social and economic well-being of all Oneida people.*

*In accordance with these sacred responsibilities, this Judiciary shall serve to establish and administer justice in a consistent fashion, considering the context of all relevant circumstances, and through the fair application and interpretation of Tribal laws and policies, rules of court, decisional law, tribal tradition and custom, and common sense.*

**801.1. Purpose and Policy**

801.1-1. The purpose of this law is to establish a Judiciary, and to provide for the administration of law, justice, judicial procedures and practices by the Oneida Tribe as a sovereign nation by exercising the inherent power to make, execute, apply and enforce its own law, and to apply its own customs and traditions in matters affecting the Oneida people.

801.1-2. It is the policy of the Tribe to provide a fair and impartial forum for the resolution of all matters that come before it pursuant to a grant of authorization by law.

**801.2. Adoption, Amendment, Repeal**

801.2-1. This law is adopted by the Oneida General Tribal Council by resolution GTC #01-07-13-B.

801.2-2. This law may only be amended by the Oneida General Tribal Council in accordance with Tribal law.

801.2-3. Should a provision of this law or the application thereof to any person or circumstances



**PROPOSED AMENDMENTS, May 2, 2025**

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.

801.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law. Specifically, the following shall be repealed effective March 1, 2015:

- (a) That portion of GTC # 8-19-91-A and Addendum which reauthorized the creation of the Oneida Appeals Commission.
- (b) That portion of BC #5-2-90 which created the Oneida Appeals Commission.
- (c) Sections 1.9-1 through 1.16-1 of the Administrative Procedures Act.

801.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

801.2-6. Case law precedent that has been established through a prior decision of the Oneida Appeals Commission/Oneida Tribal Judicial System shall remain precedent unless overturned or otherwise modified by a decision of the Judiciary, or by a law adopted by the Oneida Business Committee or Oneida General Tribal Council. The principles of Yonikúhlihsa'ahtú (a decision is made) shall apply to all matters before the Judiciary. This includes the precedent set by the Oneida Appeals Commission/Oneida Tribal Judicial System of accepting appeals from Personnel Commission decisions. Where precedent for a particular matter has not been established, the Judges may refer to established Wisconsin or federal case law precedent or laws for guidance.

**801.3. Definitions**

801.3-1. The definitions below shall govern the words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense:

- (a) "Agency" means any Tribal board, committee, commission, department, or officer acting on behalf of such an entity and where relevant, a hearing body of such an entity.
- (b) "Background investigation" means the process utilized by the Tribe's Background Investigations Department.
- (c) "Benefit" means money, a service, or thing of value, to which a person is entitled by Tribal law upon the satisfaction or fulfillment of named requirements.
- (d) "Constitution" means the Constitution and Bylaws of the Oneida Tribe of Indians of Wisconsin as amended.
- (e) "Court" means the specific court being referred to in any particular section. For example, if the section covers the Trial Court, the term shall mean that court.
- (f) "Indian" means any person who is a member of any federally recognized Indian Tribe.

(g) "Interlocutory appeal" means an appeal that occurs before the Trial Court issues a final ruling on a case.

(h) "Judge" means a Judge or Chief Judge who sits on either the Trial Court or Court of Appeals within the Judiciary.

~~(h)~~(i) "Judiciary" means the system of courts established by law adopted by the Oneida Business Committee or Oneida General Tribal Council and is composed of all judges elected and appointed to terms in those courts.

~~(i)~~(j) "Non-Oneida judgment" means a judgment, decree, or order of a court of Wisconsin, or of the United States or of any other court which may be entitled to full faith and credit by the Judiciary.

~~(j)~~(k) "Peacemaker" means an individual appointed by a Judge from the Trial Court who

**PROPOSED AMENDMENTS, May 2, 2025**

evidence, or in admitting irrelevant and prejudicial evidence, the Court of Appeals shall not take additional evidence or make its own judgment, but shall remand the matter to the original hearing body to reconsider the matter on a proper evidentiary basis.

(2) Except as otherwise provided by law or rule, the Court of Appeals shall not hear new or additional facts, and issues not raised in the proceedings from which an appeal is taken shall be deemed waived and shall not be considered on appeal.

(b) *Burden of Persuasion.* The appellant shall have the burden of persuasion.

(c) *Harmless Error and Discretionary Decisions.* Without limiting the appropriate standard of review, the Court of Appeals shall give due deference to the rule of harmless error and discretionary decisions of the Tribe or any Tribal agency.

801.8-4. *The Appellate Decision.* The Court of Appeals' decision shall consist of a written opinion setting forth the reasoning by the Court in resolving the issues of the appeal and an order that shall affirm the decision below, remand the case for further proceedings, including proceedings to supplement the record, or reverse the decision below, in whole or in part, if substantial rights have been denied because the decision of the lower hearing body:

(a) Violates applicable provisions of the Constitution;

(b) Violates provisions, substantive or procedural, of applicable Tribal law or applicable federal law;

(c) Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; or

(d) Is not supported by the substantial evidence on the record taken as a whole.

801.8-5. *Writs or Orders.* The Court of Appeals may issue all writs and orders necessary in the aid of its jurisdiction. A writ or order issued from the Court shall be in the name of the Tribe, shall bear the date it is issued, the seal of the Court, and be attested to in the names of the Judges who issued it.

801.8-6. *The Chief Judge of the Court of Appeals: Duties.* In addition to his or her other judicial duties, the Chief Judge of the Court of Appeals shall have the duty of administering the Court of Appeals, which shall include the following:

(a) to oversee proper and impartial management of the Court's calendar and business;

(b) to appoint Pro Tem Judges to preside over matters where the required number of Judges is not otherwise available;

(c) to supervise the Court Administrator, the Court of Appeals Clerk of Court and other Court of Appeals personnel;

(d) to prescribe standards concerning the training and continued education for Judges of the Court of Appeals; and

(e) other duties as prescribed by Tribal law or the Judiciary's internal operating procedures.

### **801.9. Internal Operating Procedures**

801.9-1. *Internal Operating Procedures.* The Judiciary is authorized to establish internal operating procedures governing the operation of the court. The procedures shall not affect substantive rights and shall not conflict with existing law, the Rules of Procedure, or other rules enacted or approved by the Oneida Business Committee or Oneida General Tribal Council.



**PROPOSED AMENDMENTS, May 2, 2025**

801.9-2. Judicial Council. The Chief Judge of the Appeals Court shall preside over a policymaking body of the Oneida Judiciary to establish, maintain and review the Judiciary's internal operating policies and procedures.

- (a) Composition of the Judicial Council. The Council is composed of all elected and appointed Judges serving terms in the Judiciary.
- (b) Regular meetings. The Council shall meet annually in October; at the annual meeting the Council shall set a schedule of regular meetings for the year.
- (c) Manner of taking action. The judges from each Court shall collectively possess one vote for each action to be approved or adopted. Approval or adoption of actions shall be by a consensus of the voting Judges.

**PROPOSED AMENDMENTS, May 2, 2025****801.10. Rules of Pleading, Practice and Procedure**

801.10-1. The Judiciary shall create rules of pleading, practice and procedure to regulate all hearings conducted before it. Prior to the Oneida Business Committee approval to adopt, amend, or repeal a rule, the Judiciary shall provide public notice and an opportunity of at least ten (10) business days to submit written comments on the rule. All submitted comments shall be considered by the Judiciary prior to forwarding the rule to the Oneida Business Committee for final action on the rule.

801.10-2. The Oneida Business Committee shall adopt, amend or repeal a rule by majority vote.

801.10-3. Rules of pleading, practice, and procedure shall be codified as part of the Oneida Code of Laws.

801.10-4. This section shall not abridge the right of the Oneida General Tribal Council or the Oneida Business Committee to adopt, amend, or repeal rules relating to pleading, practice, or procedure in accordance with the Tribe's lawmaking procedures.

801.10-5. Rules of pleading, practice, and procedure which are in effect on the date of implementation of this law shall remain valid and in effect until amended or repealed under the provisions of this law.

**801.11. Judges**

801.11-1. *Qualifications for Judges.* All candidates for, or individuals who may be appointed to, the position of Judge shall submit to a thorough background investigation which shall be completed prior to placement on the ballot or being considered for appointment.

(a) A person shall be eligible to stand for election, or be eligible for appointment in accordance with 801.11-9, and to serve as a Judge if such individual:

(1) Is an enrolled member of the Tribe and is at least thirty (30) years of age on the date of the election or appointment; and

(1)(2) **Physically resides in either Brown or Outagamie Counties of Wisconsin on the date of the election or appointment; and**

(2)(3) Agrees to attend mandatory training, upon election or appointment, as required by the Judiciary training requirements; and

(3)(4) Has not been convicted of, or entered a plea of guilty or *nolo contendere* to, any offense involving fraud or misrepresentation or any felony, unless:

(A) a pardon has been granted in accordance with the Tribe's pardon law at least ten (10) years before the election is held or the appointment is made; or

(B) the conviction has been removed from his or her record by executive pardon or state court order at least ten (10) years before the election is held or the appointment is made.

(4)(5) Is not mentally disabled or mentally unstable.

(b) *Chief Judges.* In addition to satisfying the requirements of 801.11-1(a)(1) through (3), candidates for election or appointment to serve as a Chief Judge shall hold at least one (1) of the following from an accredited institution:

(1) a master's degree;

(2) a juris doctor degree; or

(3) a bachelor's degree and shall have three (3) years of experience as a Judge.

(c) *Non-Chief Judges.* In addition to satisfying the requirements of 801.11-1(a)(1) through (3), candidates for election or appointment to serve as a non-Chief Judge shall hold at least one (1) of the following from an accredited institution:

**PROPOSED AMENDMENTS, May 2, 2025**

- (2) a juris doctor degree; or
- (3) a bachelor's degree in one (1) of the following fields of study, provided that a degree in a similar field of study shall also qualify:

- (A) Criminal Justice
- (B) Education
- (C) Political Science, including Government, Politics or Public Policy
- (D) Human Rights
- (E) Journalism
- (F) Legal Studies
- (G) Native American Studies
- (H) Psychology
- (I) Sociology
- (J) Public Administration
- (K) History
- (L) Business Administration
- (M) Economics or Finance
- (N) Philosophy
- (O) Judicial Studies
- (P) Paralegal Studies
- (Q) Family Law

801.11-2. *Disclosure.* Prior to placement on a ballot, or prior to appointment to fill a vacancy, candidates seeking to serve as a Judge shall disclose to the Election Board, or the Oneida Business Committee in case of appointment, all previous convictions, including those for which a pardon has been granted, which may disqualify the candidate from serving on the Judiciary.

801.11-3. *Prohibitions.*

- (a) While serving a term of office, ~~no Judge may~~ **Judges shall not:**

- (1) Be elected or appointed to serve on any Tribal board, committee or commission, including a Tribally-chartered board, committee or commission; or
- ~~(2)~~ Be otherwise employed by the Tribe; or
- ~~(3)~~ Physically move to reside in another jurisdiction outside Brown or Outagamie Counties of Wisconsin; or
- ~~(2)(4)~~ Be permitted to work remotely from a location geographically separate from the Oneida Judiciary courthouse.

- (b) Candidates elected or appointed to the Judiciary shall resign from any applicable board, committee or commission, or from any paid position with the Tribe, with such resignation to be effective prior to that candidate taking the Judicial oath of office.

801.11-4. *Election of Judges.*

- (a) The Judiciary shall consist of nine (9) Judges who, except as provided in 801.11-4(b), shall be elected to terms of six (6) years. Candidates for the office of Judge shall identify the specific judicial office for which they are a candidate: Trial Court Judge, Trial Court Chief Judge, Appellate Court Judge or Appellate Court Chief Judge.
- (b) Judges elected in the first judicial election shall serve terms as provided by resolution. Terms shall be staggered such that every three (3) years, either four (4) or five (5) seats will be up for election.
- (c) In the event that the swearing-in of a successor is delayed, the successor's term of office shall be diminished by the length of the delay, in order to maintain the staggered terms.





**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## AGENDA REQUEST FORM

- 1) Request Date: \_\_\_\_\_
- 2) Contact Person(s): \_\_\_\_\_  
 Dept: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_
- 3) Agenda Title: \_\_\_\_\_
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

- |          |          |
|----------|----------|
| 1) _____ | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:  
 \_\_\_\_\_
- 6) Please list all other departments or person(s) you have brought your concern to:  
 \_\_\_\_\_
- 7) Do you consider this request urgent? ☐ Yes ☐ No  
 If yes, please indicate why:  
 \_\_\_\_\_

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

Signature of Requester: \_\_\_\_\_

*James Wilson*

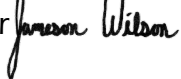
*Please send this form and all supporting materials to:*

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



## Memorandum

To: Legislative Operating Committee

From: Councilman Jameson Wilson, Legislative Operating Committee Chair 

Date: May 1, 2025

Re: Data Sovereignty Law Request

---

This memo serves as a request to the Legislative Operating Committee (LOC) to consider the development of a Data Sovereignty Law for the Nation and add it to the Active Files List. The development of a Data Sovereignty Law would set the legal framework to ensure that the nation has the right to govern the collection, ownership, access and use of our own data according to our own laws, values and traditions. It is an inherent right to govern our own data, and the development of a Data Sovereignty would solidify that right.

I encourage the LOC to strongly consider adding the Data Sovereignty law to the Active Files List on Wednesday, May 7, 2025. Also attached is a list of benefits for tribes to adopt a Data Sovereignty law. Please review at your leisure.

Yaw^ko for your consideration,

Jameson Wilson  
LOC Chair

Data sovereignty is critically important for tribes because it directly supports their inherent rights to self-determination, governance, and cultural preservation. Here are some key reasons:

1. **Self-Governance and Autonomy:** Tribes are sovereign nations, and controlling their own data ensures they can make informed decisions about policies, services, and governance without relying on outside entities that may misinterpret or misuse their information.
2. **Cultural Protection:** Tribal data often includes sensitive cultural, historical, and spiritual information. Data sovereignty allows tribes to safeguard this knowledge from exploitation, misrepresentation, or unauthorized use.



3. **Ethical Research Practices:** Historically, research involving Indigenous communities has often been extractive and disrespectful. Data sovereignty gives tribes the power to set the terms for research and ensure that it benefits their communities.
4. **Economic Development:** Accurate and controlled data is essential for tribes to secure funding, manage resources, and build economic development strategies based on their own priorities.
5. **Legal and Political Empowerment:** Having authority over their data strengthens tribes' legal claims and political influence when negotiating with governments, businesses, or other organizations.
6. **Regulates External Relationships:** Tribes often interact with federal agencies, universities, and corporations. Data sovereignty laws ensure these entities respect tribal data protocols and enter equitable data-sharing agreements.
7. **Guides Internal Decision-Making:** Clear laws help tribal governments manage data responsibly across departments (health, education, natural resources) and ensure it supports tribal priorities.

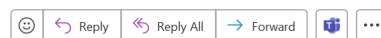
## April 21, 2025 Legislative Operating Committee E-Poll Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC

E-POLL REQUEST: Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC



LOC

To: Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Kirby W. Metoxen; Marlon G. Skenandore  
Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Clorissa N. Leeman



Mon 4/21/2025 9:56 AM

Vote by clicking Vote in the Respond group above.  
This message was sent with High importance.



Legislative Operating Committee 2025 Semi-Annual Report.pdf  
333 KB



Legislative Reference Office 2025 Semi-Annual Report.pdf  
272 KB

### Good Morning Legislative Operating Committee,

This e-mail serves as the e-poll for the approval of the Fiscal Year 2025 Legislative Operating Committee and Legislative Reference Office Semi-Annual Reports to the General Tribal Council.

### EXECUTIVE SUMMARY

Oneida's Constitution requires the Oneida Business Committee to report to the General Tribal Council twice per year - during the Annual and Semi-Annual meetings. The intent of these reports is to provide members of the Nation with information about the Nation's achievements and how these achievements relate to the dollars spent in each area. The Legislative Operating Committee and the Legislative Reference Office are required to provide annual reports to the Oneida Business Committee to be included in the presentation to the General Tribal Council.

Attached to this e-mail are both the Fiscal Year 2025 Legislative Operating Committee and Legislative Reference Office Semi-Annual Reports to the General Tribal Council.

An e-poll is necessary to approve the Fiscal Year 2025 Legislative Operating Committee and Legislative Reference Office Semi-Annual Reports to the General Tribal Council because the next Legislative Operating Committee meeting is not until May 7, 2025, and the annual reports are due to the Nation's Secretary by the close of business on April 30, 2025.

### REQUESTED ACTION

- Approve the Fiscal Year 2025 Legislative Operating Committee and Legislative Reference Office Semi-Annual Reports to the General Tribal Council and forward to the Nation's Secretary.

### DEADLINE FOR RESPONSE

**April 22, 2025 at 9:00 a.m.**

All supporting documentation has been attached to this email for your convenience.



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

### E-POLL RESULTS:

This e-poll was approved by Jennifer Webster, Kirby Metoxen, Jonas Hill, Jameson Wilson, and Marlon Skenandore.

RE: E-POLL REQUEST: Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC



Jennifer A. Webster

To: ○ LOC; ● Jameson J. Wilson; ○ Jonas G. Hill; ● Kirby W. Metoxen; ○ Marlon G. Skenandore  
Cc: ○ Fawn J. Billie; ○ Fawn L. Cottrell; ● Kristal E. Hill; ● Clorissa N. Leeman

😊 Reply ↩ Reply All → Forward 📧 ⋮

Mon 4/21/2025 10:00 AM

Approve,  
Jenny

RE: E-POLL REQUEST: Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC



Kirby W. Metoxen

To: ○ LOC; ● Jameson J. Wilson; ○ Jennifer A. Webster; ○ Jonas G. Hill; ○ Marlon G. Skenandore  
Cc: ○ Fawn J. Billie; ○ Fawn L. Cottrell; ● Kristal E. Hill; ● Clorissa N. Leeman

😊 Reply ↩ Reply All → Forward 📧 ⋮

Mon 4/21/2025 10:02 AM

Support

Yaw^ko,

**Kirby Metoxen**  
**Councilman**  
**Oneida Business Committee**

Re: E-POLL REQUEST: Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC



Jonas G. Hill

To: ○ LOC; ● Jameson J. Wilson; ○ Jennifer A. Webster; ● Kirby W. Metoxen; ○ Marlon G. Skenandore  
Cc: ○ Fawn J. Billie; ○ Fawn L. Cottrell; ● Kristal E. Hill; ● Clorissa N. Leeman

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😊 Reply ↩ Reply All → Forward 📧 ⋮

Mon 4/21/2025 10:35 AM

Support

Sincerely,



Jonas G Hill  
Councilman  
Oneida Nation Business Committee

Approve: E-POLL REQUEST: Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC



Jameson J. Wilson

To: ○ LOC

ⓘ The sender responded: Approve.

↩ Reply ↩ Reply All → Forward 📧 ⋮

Mon 4/21/2025 12:10 PM

Re: E-POLL REQUEST: Approval of the LOC and LRO FY 2025 Semi-Annual Reports for GTC



Marlon G. Skenandore

To: ○ Jonas G. Hill; ○ LOC; ● Jameson J. Wilson; ○ Jennifer A. Webster; ● Kirby W. Metoxen  
Cc: ○ Fawn J. Billie; ● Fawn L. Cottrell; ● Kristal E. Hill; ● Clorissa N. Leeman

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Mon 4/21/2025 2:16 PM

Support

Get [Outlook for iOS](#)

# FY-2025 Semi-Annual Report

## Legislative Operating Committee

### *Purpose:*

The Legislative Operating Committee's mission is to enhance the capability of the Oneida Nation to fulfill its sovereign authority to review and enact its laws in a planned and orderly manner. The Legislative Operating Committee is supported by the Legislative Reference Office.

### *BCC Members*

Jameson Wilson, Chairman, 2023-2026 - [jwilson@oneidanation.org](mailto:jwilson@oneidanation.org)

Kirby Metoxen, Vice-Chairman, 2023-2026 – [kmetox@oneidanation.org](mailto:kmetox@oneidanation.org)

Jennifer Webster, Member, 2023-2026 – [jwebste1@oneidanation.org](mailto:jwebste1@oneidanation.org)

Jonas Hill, Member, 2023-2026 – [jhill1@oneidanation.org](mailto:jhill1@oneidanation.org)

Marlon Skenandore, Member, 2023-2026 – [mskenan1@oneidanation.org](mailto:mskenan1@oneidanation.org)

### *Budget*

#### Funding Sources for FY-2025

TRIBAL CONTRIBUTION: 0%

GRANTS: 0%

OTHER SOURCES:

N/A

#### Status as of 3/31/25

Total Budget: \$0

Budget as of 3/31/25: \$0

Expenditures as of 3/31/25: \$0

Variance Explanation: N/A – The Legislative Operating Committee does not have a budget. The Legislative Reference Office, support office of the Legislative Operating Committee, does have a budget. Please see the Legislative Reference Office semi-annual report for their budget information.

**Employees, if any**

NUMBER OF EMPLOYEES TOTAL:

THE LEGISLATIVE REFERENCE OFFICE IS THE SUPPORT STAFF OF THE LEGISLATIVE OPERATING COMMITTEE AND HAS 3 EMPLOYEES. THE LEGISLATIVE OPERATING COMMITTEE ALSO HAS 3 EXECUTIVE ASSISTANTS.

NUMBER OF EMPLOYEES WHO ARE ENROLLED ONEIDA:

THE LEGISLATIVE REFERENCE OFFICE HAS 1 ENROLLED AND 1 DESCENDENT EMPLOYEE. ALL EXECUTIVE ASSISTANTS OF THE LEGISLATIVE OPERATING COMMITTEE ARE ENROLLED MEMBERS.

**Stipends**

Regular Stipend Amount: \$0 per meeting

	TOTAL DOLLAR amount paid	NUMBER of meetings		
		Regular	Special/Emergency	Hearings/Other
October 2024	\$0	1	0	0
November 2024	\$0	2	0	0
December 2024	\$0	2	0	0
January 2025	\$0	1	0	0
February 2025	\$0	2	0	0
March 2025	\$0	1	0	0

**Update on Strategic Goals for FY-2025****GOAL 1**

Goal to improve relationships through communication in an effort to promote positive community relations.

Update on Goal: When developing legislation, the LOC prioritizes collaboration with the departments or entities that have subject matter expertise on the subject of the proposed legislation. LOC has spent time evaluating how it collaborates and communicates with other departments in an effort to improve those efforts and the relationships. The LOC also holds a variety of community meetings and community work sessions to obtain community input.

**GOAL 2**

Goal to improve internal processes and strategy in an effort to improve organizational changes.

Update on Goal: The LOC completed a strategic planning session to develop a legislative strategy and measurable goals on how to implement the legislative strategy for the remainder of the term and in future terms. As part of the strategic plan, the LOC is reviewing all of its standard operating procedures to update the documents based on current and improved practices.

### **GOAL 3**

Goal to educate and engage stakeholders, including youth in an effort to promote positive community relations.

Update on Goal: LOC is prioritizing holding community outreach events on a quarterly basis. LOC has held two community meetings in which various legislative topics were opened for discussion to gather input and questions from the community. These events were held on 12/4/24, and 3/19/25. The LOC also held a community work session on 4/2/25 to review a law line-by-line and collect input. The next community meeting will be held on 6/4/25. The LOC is also working on developing a communication plan and collaborating with other departments to ensure our community outreach event notices are shared as widely as possible to encourage participation.

### **GOAL 4**

Goal to implement efficient use of technology in an effort to improve organizational changes.

Update on Goal: As part of its strategic plan, the LOC is reviewing ways in which they can better incorporate the use of technology into their legislative efforts. LOC is in the process of purchasing equipment that would allow community meetings to be live streamed in an effort to better use technology to connect with the community and provide an additional opportunity for participation. LOC plans to work with DTS on improvements to its website.

### ***Meetings***

Held every first and third Wednesday of the month.

Meeting Location: Norbert Hill Center, N7210 Seminary Road, Oneida, WI – Business Committee Conference Room & Microsoft Teams

Meeting Time: 9:00 a.m.

### ***Eviction and Termination Law Amendments Update***

The LOC is currently still developing comprehensive amendments to the Eviction and Termination law. The LOC tentatively plans to bring the proposed Eviction and Termination law amendments to a public meeting and public comment period this summer and encourages the community to participate in the public meeting and comment period to provide input and questions.

**Contact**

MAIN CONTACT: Jameson Wilson

MAIN CONTACT TITLE: Legislative Operating Committee Chairman

MAIN PHONE: (920) 869-4385

MAIN EMAIL: [LOC@oneidanation.org](mailto:LOC@oneidanation.org)

MAIN WEBSITE: [www.oneida-nsn.gov/LOC](http://www.oneida-nsn.gov/LOC) and [www.oneida-nsn.gov/Register](http://www.oneida-nsn.gov/Register)

**Pictures**



# FY-2025 Semi-Annual Report

## Legislative Operating Committee

## Legislative Reference Office

### *Purpose:*

Provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects Onáyoṭeʔaḱa values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty. In addition to the development of legislation, the Legislative Reference Office also drafts statements of effect for Oneida Business Committee and General Tribal Council resolutions and petitions, and provides assistance to various department and entities of the Nation with administrative rulemaking.

### *Budget*

#### Funding Sources for FY-2025

TRIBAL CONTRIBUTION:	100%
GRANTS:	0%
OTHER SOURCES:	
N/A	0%

#### Status as of 3/31/25

Total Budget:	\$590,771
Budget as of 3/31/25:	\$295,386
Expenditures as of 3/31/25:	\$276,274

Variance Explanation: Positive variance of \$19,112 due to savings in travel, supplies, and licensing fees that are paid in the second half of the fiscal year.

### *Employees*

NUMBER OF EMPLOYEES TOTAL:	3
NUMBER OF EMPLOYEES WHO ARE ENROLLED ONEIDA:	1 ENROLLED – 1 DESCENDENT – 1 NON-TRIBAL

***Who we serve***

The Legislative Reference Office serves and supports the Legislative Operating Committee, who then serve any area within the Nation's organization and the Oneida community at-large.

***Contact***

MAIN CONTACT: Clorissa N. Leeman

MAIN CONTACT TITLE: Legislative Reference Office Senior Staff Attorney

MAIN PHONE: (920) 869-4417

MAIN EMAIL: [cleeman@oneidanation.org](mailto:cleeman@oneidanation.org) or [LOC@oneidanation.org](mailto:LOC@oneidanation.org)

MAIN WEBSITE: [www.oneida-nsn.gov/LOC](http://www.oneida-nsn.gov/LOC) and [www.oneida-nsn.gov/Register](http://www.oneida-nsn.gov/Register)

# May 1, 2025 Legislative Operating Committee E-Poll

## Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice

E-POLL: Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice

**LOC**  
 To: Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Kirby W. Metoxen; Marlon G. Skenandore  
 Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Clorissa N. Leeman  
 Vote by clicking Vote in the Respond group above.  
 This message was sent with High importance.

2025 06 13 Sanctions and Penalties Law PM Packet.pdf 741 KB  
 VI.2 Approval of the Summer LOC Community Meeting Notice.pdf 925 KB

Thu 5/1/2025 2:51 PM

**Good Afternoon Legislative Operating Committee,**

This e-mail serves as the e-poll for the approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice.

### EXECUTIVE SUMMARY

The Legislative Operating Committee has been working on the development of a Sanctions and Penalties law. The purpose of the Sanctions and Penalties law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation, including members of the Oneida Business Committee, for misconduct in office; and to establish an orderly and fair process for imposing such sanctions and penalties. The Sanctions and Penalties law will:

- Provide what behaviors constitutes misconduct;
- Describe how an individual can file a complaint against an elected official;
- Provide that complaints against an elected official shall be handled by the Judiciary Trial Court; and
- Describe the potential sanctions and penalties that can be imposed upon elected officials found to have engaged in misconduct, and the factors that will be utilized to determine an appropriate sanction or penalty.

The Legislative Operating Committee is ready to hold a public meeting for the proposed Sanctions and Penalties law in accordance with the Legislative Procedures Act. The public meeting will be held on Friday June 13, 2025, at 1:15 p.m. in the Norbert Hill Center's Business Committee Conference Room and on Microsoft Teams. The public comment period will then be held open until June 20, 2025.

The Legislative Operating Committee has also been holding community meetings on a quarterly basis. The Legislative Operating Committee is ready to hold its summer LOC community meeting on June 4, 2025, in the Norbert Hill Center's cafeteria from 5:30 p.m. through 7:30 p.m. Topics to be discussed at this community meeting will include:

- Ten Day Notice Policy Amendments;
- Election Law Amendments; and
- Renewable Energy Law.

Attached to this e-mail are the following materials:

- *Sanctions and Penalties Law Public Meeting Packet*
  - Public Meeting Notice;
  - Legislative Analysis; and
  - Public Meeting Draft.

- *LOC Summer Community Meeting Notice*
  - Community Meeting Notice.

An e-poll is necessary to approve the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice because the next Legislative Operating Committee meeting is not until May 7, 2025, and the Kalihwisaks submission deadline is on May 1, 2025.

#### REQUESTED ACTION

- Approve the public meeting packet for the Sanctions and Penalties law and forward the Sanctions and Penalties law to a public meeting to be held on June 13, 2025.
- Approve the Summer LOC Community Meeting Notice and schedule a community meeting to be held on June 4, 2025.

#### DEADLINE FOR RESPONSE

**May 2, 2025 at 2:00 p.m.**

All supporting documentation has been attached to this email for your convenience.



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

#### E-POLL RESULTS:

This e-poll was approved by Jonas Hill, Jennifer Webster, Marlon Skenandore, and Kirby Metoxen. Jameson Wilson did not provide a response.

Re: E-POLL: Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice



Jonas G. Hill

To: ○ LOC; ○ Jameson J. Wilson; ○ Jennifer A. Webster; ○ Kirby W. Metoxen; ○ Marlon G. Skenandore  
Cc: ● Fawn J. Billie; ● Fawn L. Cottrell; ● Kristal E. Hill; ● Clorissa N. Leeman

① If there are problems with how this message is displayed, click here to view it in a web browser.

↩ Reply ↩ Reply All → Forward 📎 ...

Thu 5/1/2025 3:17 PM

Support

Sincerely,



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

Jonas G Hill  
Councilman  
Oneida Nation Business Committee  
Phone: 920-606-3966  
Email: [JHILL1@oneidanation.org](mailto:JHILL1@oneidanation.org)  
PO Box 365  
Oneida, WI 54155  
[www.oneida-nsn.gov](http://www.oneida-nsn.gov)

RE: E-POLL: Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice



Jennifer A. Webster

To: ○ LOC; ○ Jameson J. Wilson; ● Jonas G. Hill; ○ Kirby W. Metoxen; ○ Marlon G. Skenandore  
Cc: ● Fawn J. Billie; ● Fawn L. Cottrell; ● Kristal E. Hill; ● Clorissa N. Leeman

😊 ↩ Reply ↩ Reply All → Forward 📎 ...

Thu 5/1/2025 3:19 PM

Approve,  
Jenny

RE: E-POLL: Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice



Marlon G. Skenandore

To: ○ LOC; ● Jameson J. Wilson; ● Jennifer A. Webster; ● Jonas G. Hill; ● Kirby W. Metoxen  
Cc: ● Fawn J. Billie; ● Fawn L. Cottrell; ● Kristal E. Hill; ● Clorissa N. Leeman

Reply Reply All Forward

Thu 5/1/2025 3:29 PM

Approve!

Approve: E-POLL: Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice



Kirby W. Metoxen

To: ○ LOC

The sender responded: Approve.

Reply Reply All Forward

Thu 5/1/2025 3:43 PM

**ONEIDA NATION PUBLIC MEETING NOTICE****FRIDAY, JUNE 13, 2025 12:15 pm**

Norbert Hill Center-Business Committee Conference Room  
 N7210 Seminary Rd., Oneida, Wisconsin

**Find Public Meeting Materials at**
[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)
**Send Public Comments to**
[LOC@oneidanation.org](mailto:LOC@oneidanation.org)
**Ask Questions here**
[LOC@oneidanation.org](mailto:LOC@oneidanation.org)

920-869-4417

**SANCTIONS AND PENALTIES LAW**

The purpose of the Sanctions and Penalties law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation, including members of the Oneida Business Committee, for misconduct in office; and to establish an orderly and fair process for imposing such sanctions and penalties.

**The Sanctions and Penalties law will:**

- ♦ Provide what behaviors constitutes misconduct;
- ♦ Describe how an individual can file a complaint against an elected official;
- ♦ Provide that complaints against an elected official shall be handled by the Judiciary Trial Court; and
- ♦ Describe the potential sanctions and penalties that can be imposed upon elected officials found to have engaged in misconduct, and the factors that will be utilized to determine an appropriate sanction or penalty.

Individuals may attend the public meeting for the proposed Sanctions and Penalties law in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact [LOC@oneidanation.org](mailto:LOC@oneidanation.org).

**PUBLIC COMMENT PERIOD CLOSES FRIDAY, JUNE 20, 2025**

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Sanctions and Penalties law please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



**Kalihwahnla·tú· Okhale? Atatlihwa?thlewáhtu KayanlÁsla**  
*Giving strength to the issues and Forgiving oneself for the issue at hand Laws*

## **SANCTIONS AND PENALTIES LAW LEGISLATIVE ANALYSIS**

### **SECTION 1. EXECUTIVE SUMMARY**

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Law</b>	<ul style="list-style-type: none"> <li>▪ Increase accountability among elected officials of the Nation.</li> <li>▪ Create a formal complaint process that allows for corrective actions against elected officials who engage in misconduct.</li> </ul>
<b>Purpose</b>	The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office in order to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official [1 O.C. 120.1-1].
<b>Affected Entities</b>	All elected officials of the Nation; Any enrolled member of the Nation or employee age eighteen (18) years and older who has knowledge that an official committed misconduct; Oneida Business Committee; Judiciary Trial Court; Judiciary Court of Appeals; Government Administrative Office.
<b>Related Legislation</b>	Oneida Judiciary Rules of Civil Procedure; Rules of Appellate Procedure; Code of Ethics; Boards, Committees and Commissions law; Garnishment law; Per Capita law; and any of the Nation's laws and bylaws that may be violated by an official.
<b>Enforcement/Due Process</b>	Sanctions and penalties against elected officials will be imposed by the Trial Court. Officials accused of misconduct have the right to be represented by an attorney or advocate. Officials also have the right to submit a written response to the complaint, and an opportunity to appear at the hearing to answer the allegations and provide evidence on their behalf. Complaints against officials must be proven by clear and convincing evidence.
<b>Public Meeting</b>	A public meeting for an earlier draft of this law was held on October 4, 2018. A 2 <sup>nd</sup> public meeting for an updated draft was held on January 7, 2020.
<b>Fiscal Impact</b>	A fiscal impact statement for an earlier draft of this law was prepared by the Finance Department on December 27, 2018. An updated fiscal analysis was prepared on January 20, 2020.

### **SECTION 2. LEGISLATIVE DEVELOPMENT**

**A. Request for Amendments.** The request to develop a sanctions and penalties law was originally added to the Legislative Operating Committee's Active Files List in October of 2014, and has been carried over for the last three legislative terms. When an elected official of the Nation commits misconduct while in office, there are few remedies available for the Nation to discipline that official. Currently, elected officials may be removed in accordance with the Removal Law. However, there may be instances of misconduct that do not rise to the level of removal. In these cases, other remedies such as verbal reprimands, fines, or suspensions may be more appropriate. This Law creates a formal complaint process that gives members of the Nation, employees and entities an opportunity to file complaints against elected officials while ensuring that due process rights for those accused are protected. This



Law also creates a range of potential sanctions and penalties for officials who violate the laws of the Nation or commit other forms of misconduct.

**B. 2016 Special Election Referendum.** During the Special Election held on July 9, 2016, the following referendum question was approved by a vote of 178 to 59: “*Should the BC develop a law which provides for sanctions and due process for elected officials?*” The Election Law requires the Oneida Business Committee to present referendum questions that receive a majority vote to the General Tribal Council (GTC) for discussion and action [1 O.C. 102.12-9(c)].

**C. Presentation to General Tribal Council.** On March 17, 2019, this Law was presented to the General Tribal Council for consideration. The General Tribal Council adopted a motion to defer this item for at least sixty (60) days for GTC to have additional time to consider it and have input. As a result of General Tribal Council’s directive, the LOC held six (6) additional community outreach events – in various locations around the Reservation as well as in Milwaukee. Based on input received from community members during the various outreach efforts, as well as the discussion during the March 17, 2019, GTC Meeting, the LOC determined that the draft should be revised. The LOC intended to include this revised Law on the July 2020 Semi-Annual General Tribal Council meeting agenda before all General Tribal Council meetings were canceled due to COVID-19.

**D. Elected Officials.** This Law will apply to elected officials of the Nation, including members of the following entities:

**Chart 1. Elected Boards, Committees, and Commissions**

ELECTED BOARDS, COMMITTEES, AND COMMISSIONS
<ul style="list-style-type: none"><li>Oneida Business Committee</li><li>Oneida Election Board</li><li>Oneida Gaming Commission</li><li>Oneida Land Claims Commission</li><li>Oneida Land Commission</li><li>Oneida Nation Commission on Aging (ONCOA)</li><li>Oneida Nation School Board</li><li>Oneida Trust Enrollment Committee</li><li>GTC Legal Resource Center Advocates and Attorney</li></ul>



*\*This law does not apply to members of appointed boards, members of the Judiciary or corporate entities of the Nation.*

### SECTION 3. CONSULTATION AND OUTREACH

**A.** Representatives from the following departments or entities participated in the development of this Law and this legislative analysis:

- Oneida Business Committee;
- Government Administrative Office;
- Records Management Department;
- Human Resources Department;
- Intergovernmental Affairs and Communications Department;
- Cultural Heritage Department;
- Anna John Resident Centered Care Community Board (AJRCCC);
- Oneida Election Board;

- Oneida Environmental Resource Board (ERB);
- Oneida Gaming Commission;
- Oneida Land Commission;
- Oneida Police Commission;
- Oneida Pow-wow Committee;
- Oneida Trust Enrollment Committee, and
- Oneida Nation Veterans Affairs Committee (ONVAC).

**B.** The following laws of the Nation were reviewed in the drafting of this legislative analysis:

- Oneida Judiciary law;
- Oneida Tribal Judiciary Canons of Judicial Conduct;
- Oneida Judiciary Rules of Civil Procedure;
- Oneida Judiciary Rules of Appellate Procedure;
- Removal law;
- Code of Ethics;
- Legal Resource Center law;
- Open Meetings and Open Records law;
- Boards, Committees and Commissions law;
- Garnishment law; and
- Per Capita law.

**C.** In addition, the following other laws were reviewed in drafting this analysis:

- Ho Chunk Nation Code of Ethics 2 HCC 1;
- Oglala Sioux Tribe Code of Ethics Ordinance No. 08-11;
- Pokagon Band of Potawatomi Indians Ethics Code;
- Rosebud Sioux Tribal Code of Ethics Ordinance 86-04;
- Siletz Tribal Council Ethics Ordinance –Siletz Tribal Code 2.200;
- Skokomish Code of Ethics S.T.C. 1.05; and
- Pit River Tribal Government Code of Conduct Section 80.

**D.** *Community Outreach Events.* In addition to the public meeting(s) required by the Legislative Procedures Act held on October 4, 2018, and January 7, 2020, the LOC held the following outreach events on this legislation:

- May 3, 2018: Community pot-luck meeting at Norbert Hill Center to gather community input.
- July 11, 2019: Community outreach event held prior to GTC meeting at Radisson Conference Center.
- July 17, 2019: Community outreach held at Norbert Hill Center in Oneida.
- August 9, 2019: Community outreach held at Veteran’s Breakfast in Oneida.
- August 15, 2019: Community outreach held at Farmer’s Market in Oneida.
- October 7, 2019: Community outreach held at Elder Congregate Meal site in Oneida.
- October 16, 2019: Community outreach held at SEOTS Building in Milwaukee.
- March 6, 2024: Community pot-luck meeting at the Norbert Hill Center to gather community input.
- April 2, 2025: Community work session at the Norbert Hill Center to read the law line-by-line and gather community input.

## SECTION 4. PROCESS

- A. **Compliance with LPA.** The development of the proposed Law complies with the process set forth in the Legislative Procedures Act (LPA).
- The law was originally added to the Active Files List on October 15, 2014.
  - On September 6, 2017, this Law was readded to the Active Files List for the 2017-2020 legislative term.
  - On April 2, 2018, the Legislative Operating Committee accepted the draft of this Law and direct that a community meeting/potluck be held on May 3, 2018.
  - On June 6, 2018, the Legislative Operating Committee accepted the draft of this Law and directed that a legislative analysis be completed.
  - On July 18, 2018, the Legislative Operating Committee accepted the legislative analysis for this Law and deferred this item to a work meeting.
  - On August 15, 2018, the Legislative Operating Committee approved the public meeting packet and forwarded this Law to a public meeting to be held on September 20, 2018; and forwarded this Law to the Finance Office for a fiscal analysis to be completed.
  - On September 10, 2018, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the Sanctions and Penalties Law Public Meeting Packet*. The requested action of this e-poll was to approve the public meeting packet and forward the proposed Sanctions and Penalties law to a public meeting to be held on October 4, 2018 – since the September 20, 2018, public meeting on the proposed Law needed to be canceled due to the Kalihwisaks failing to publish the public meeting notice in the September 6, 2018, edition. The e-poll was approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, and Ernest Stevens III. Daniel Guzman King did not provide a response to the e-poll.
  - On September 19, 2018, the Legislative Operating Committee entered the e-poll results into the record.
  - On October 4, 2018, a public meeting on the proposed law was held. Six (6) members of the community attended the public meeting with three (3) people providing oral comments.
  - The public comment period was then held open until October 11, 2018. Four (4) submissions of written comments were received during the public comment period.
  - On October 17, 2018, the Legislative Operating Committee accepted the public meeting comments and public meeting comment review memorandum and deferred this item to a work meeting.
  - On November 7, 2018, the Legislative Operating Committee accepted the public comment review memorandum and the updated draft.
  - On December 5, 2018, the Legislative Operating Committee accepted the updated legislative analysis, including the replacement of page 159 in the packet; and approved the fiscal impact statement memorandum and forwarded the items to the Finance Department directing that a fiscal impact statement of the proposed Law be prepared for inclusion on the January 2, 2019 Legislative Operating Committee meeting agenda.
  - On January 7, 2019, the Legislative Operating Committee approved the adoption packet for the proposed Law and forwarded to the Oneida Business Committee for inclusion on the tentatively

scheduled February 24, 2019, General Tribal Council meeting agenda for the General Tribal Council's consideration of adoption.

- On January 18, 2019, the Oneida Business Committee approved the adoption packet for the Law for consideration at the February 24, 2019, special GTC meeting.
- On January 29, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the Sanctions and Penalties Law Kalihwisaks Article*. The requested action of this e-poll was to approve the article titled, "*Sanctions and Penalties Law: GTC to Consider in February*" and forward the article to the Kalihwisaks for inclusion in the February 7, 2019, Kalihwisaks edition. The e-poll was approved by David P. Jordan, Jennifer Webster, Daniel Guzman King and Kirby Metoxen. Ernest Stevens III did not provide a response to the e-poll.
- On February 6, 2019, the Legislative Operating Committee entered the results of the January 29, 2019, e-poll into the record.
- On March 17, 2019, the proposed Law was presented to the General Tribal Council, and the General Tribal Council decided to defer this Law for consideration for at least sixty (60) days for GTC to have additional time to consider it and have input.
- On June 19, 19, the Legislative Operating Committee approved the community outreach notice for this Law with one noted change, and forwarded to the Kalihwisaks for publication in the July 3, 2019 Kalihwisaks edition.
- On September 4, 2019, the Legislative Operating Committee approved the community outreach notice and article for this Law, and forwarded to the Kalihwisaks for publication in the September 19, 2019, edition.
- On November 15, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the Sanctions and Penalties Law Materials for the January 20, 2020, GTC Meeting*. The requested action of this e-poll was to approve the Sanctions and Penalties law materials and forward to the Oneida Business Committee for inclusion in the January 20, 2020, General Tribal Council meeting packet materials. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, and Daniel Guzman King. Kirby Metoxen did not provide a response to the e-poll during the e-poll time frame.
- On November 20, 2019, the Legislative Operating Committee entered the November 15, 2019, *Sanction and Penalties Law material for the January 20, 2020, GTC Meeting* E-Poll results into record.
- On November 26, 2019, the Oneida Business Committee deferred the Sanctions and Penalties law materials back to the Legislative Operating Committee for consideration of today's discussion and reformatting of the request to General Tribal Council.
- On December 4, 2019, the Legislative Operating Committee approved the January 20, 2020 General Tribal Council Meeting materials with one change and forwarded to the Oneida Business Committee.
- On December 4, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Rescission of the December 4, 2019, LOC Motion Regarding the Sanctions and Penalties Law*. The requested action of this e-poll was to Rescind the December 4, 2019, Legislative Operating Committee motion to "Approve the January 20, 2020, General Tribal Council meeting materials and forward to the Oneida Business Committee." The e-poll was approved by Ernest Stevens III, Kirby Metoxen, Jennifer Webster, David P. Jordan. Daniel Guzman King did not provide a response to the e-poll during the e-poll time frame.

- 173     ■ On December 4, 2019, the Oneida Business Committee adopted the agenda with two (2) changes  
174     [1] delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively  
175     scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header,  
176     item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings).
- 177     ■ On December 10, 2019, the Legislative Operating Committee conducted an e-poll entitled,  
178     *Approval of January 7, 2020, Public Meeting for the Sanctions and Penalties for Elected Officials*  
179     *Law*. The requested action of this e-poll was to approve the public meeting packet and forward the  
180     Sanctions and Penalties for Elected Officials law to a public meeting to be held on January 7, 2020.  
181     The e-poll was approved by Kirby Metoxen, Jennifer Webster, David P. Jordan, and Daniel  
182     Guzman King. Ernest Stevens III did not provide a response.
- 183     ■ On December 18, 2019, the Legislative Operating Committee entered into the record the December  
184     4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019,  
185     LOC action; and entered into the record the December 10, 2019, E-poll results for the Sanctions  
186     and Penalties law – approval of a public meeting.
- 187     ■ On January 7, 2020, the Legislative Operating Committee held a public meeting on the proposed  
188     Law. One (1) person provided oral comments during the public meeting.
- 189     ■ The public comment period was held open until January 14, 2020. Two (2) submissions of written  
190     comments were received during the public comment period.
- 191     ■ On January 15, 2020, the Legislative Operating Committee accepted the public comments and  
192     public comment review memorandum and deferred these items to a work meeting for further  
193     consideration.
- 194     ■ On January 15, 2020, the Legislative Operating Committee also conducted an e-poll entitled,  
195     *Approval of the Sanctions and Penalties for Elected Officials Law Updated Materials and Fiscal*  
196     *Impact Statement Request Memorandum*. The requested action of this e-poll was to Approve the  
197     updated public comment review memorandum, draft, legislative analysis, and fiscal impact  
198     statement request memorandum, and forward the fiscal impact statement request memorandum,  
199     with accompanying draft and legislative analysis, to the Finance Department directing that a fiscal  
200     impact statement of the proposed Sanctions and Penalties for Elected Officials law be prepared and  
201     submitted to the Legislative Operating Committee by January 20, 2020. The e-poll was approved  
202     by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen. Daniel Guzman King  
203     did not provide a response.
- 204     ■ On January 21, 2020, the Legislative Operating Committee conducted an e-poll entitled, *Approval*  
205     *of the Sanctions and Penalties for Elected Officials Law Adoption Packet*. The requested action of  
206     this e-poll was to “Approve the adoption packet for the Sanctions and Penalties for Elected Officials  
207     law and forward to the Oneida Business Committee for inclusion on the tentative March 2020  
208     Special General Tribal Council meeting agenda.” The e-poll was approved by David P. Jordan,  
209     Jennifer Webster, Ernest Stevens III, Kirby Metoxen, and Daniel Guzman King.
- 210     ■ On January 21, 2020, the Legislative Operating Committee conducted an additional e-poll entitled,  
211     *Rescission of the January 21, 2020, LOC Motion Approving the Sanctions and Penalties for Elected*  
212     *Officials Law Adoption Packet*. The requested action of this e-poll was to “Rescind the January 21,  
213     2020, Legislative Operating Committee motion to ‘Approve the adoption packet for the Sanctions  
214     and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion  
215     on the tentative March 2020 Special General Tribal Council meeting agenda.’” The e-poll was

approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King.

- On January 22, 2020, the Oneida Business Committee adopted the agenda with two (2) changes [1) add item IV.C. Adopt resolution entitled Energy Infrastructure Deployment on Tribal Lands – 2020 Grant Proposal # DEFOA-0002168; and 2) delete item VIII.B.2. Accept the Sanctions and Penalties for Elected Officials law materials and add to the tentatively scheduled March 16, 2020, special General Tribal Council meeting agenda].
- On February 5, 2020, the Legislative Operating Committee entered into record the e-poll results: Sanctions and Penalties for Elected Officials Law – Approve Updated Materials and Fiscal Impact Statement Request; ratified the January 21, 2020, e-poll results into record; and enter into the record the January 21, 2020, e-poll results for the rescission of the January 21, 2020, LOC motion approving the Sanctions and Penalties for elected Officials Law adoption packet and forward to the OBC for inclusion on the tentative March 2020 GTC meeting agenda.
- On October 7, 2020, this Law was readed to the Active Files List for the 2020-2023 legislative term.
- On October 4, 2023, the Legislative Operating Committee added this Law its Active Files List for the 2023-2026 legislative term.
- On January 29, 2024, the Legislative Operating Committee conducted an e-poll titled, *Approval of the March 6, 2024 LOC Community Meeting Notice*. The requested action of this e-poll was to Approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on March 6, 2024. The Sanctions and Penalties law was a topic for discussion included on this e-poll. This e-poll was unanimously approved.
- On February 7, 2024, the Legislative Operating Committee to entered into the record the results of the January 29, 2024, e-poll titled, *Approval of the March 6, 2024, LOC Community Meeting Notice*.
- On March 6, 2024, the Legislative Operating Committee held a community meeting in the Norbert Hill Center Cafeteria in which the Sanctions and Penalties law was a topic of discussion.
- On March 5, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis for the Sanctions and Penalties law. The Legislative Operating Committee also approved the Legislative Operating Committee Sanctions and Penalties law community work session notice, and scheduled a community work session to occur on April 2, 2025.
- On April 2, 2025, the Legislative Operating Committee held a community work session in the Norbert Hill Center’s Business Committee Conference Room and on Microsoft Teams for the purpose of reading the Sanctions and Penalties law line-by-line and collecting input and suggestions from the community.

**B. Work Meetings.** At the time this legislative analysis was developed, the following work meetings had been held regarding the development of this Law and legislative analysis:

- September 6, 2017: LOC work meeting.
- November 1, 2017: LOC work meeting with representatives from the following boards, committees and commissions: Police Commission, Trust Enrollment Committee, Election Board, Land Commission, Oneida Gaming Commission, Pow-wow Committee. All boards, committees and committees were invited to attend this work meeting.
- December 6, 2017: LOC work meeting.
- March 9, 2018: LOC work meeting.

- 260       ▪ March 16, 2018: LOC work meeting.
- 261       ▪ May 2, 2018: LRO work meeting.
- 262       ▪ May 3, 2018: Community pot-luck meeting with LOC, Oneida community members, Government
- 263       Administrative Office, and representatives from the following boards, committees and
- 264       commissions: Oneida Police Commission, Oneida Nation Veterans Affair Committee,
- 265       Environmental Resource Board, Anna John Resident Centered Care Community Board, and
- 266       Gaming Commission. All boards, committees and commissions were invited to attend this meeting.
- 267       ▪ May 11, 2018: LOC work meeting.
- 268       ▪ May 16, 2018: LOC work meeting.
- 269       ▪ July 9, 2018: Work meeting with Government Administrative Office.
- 270       ▪ August 1, 2018: LOC work meeting.
- 271       ▪ September 10, 2018: LOC work meeting.
- 272       ▪ October 17, 2018: LOC work meeting.
- 273       ▪ October 25, 2018: LOC work meeting.
- 274       ▪ November 30, 2018: LOC work meeting.
- 275       ▪ December 20, 2018: Work meeting with Cultural Heritage.
- 276       ▪ January 2, 2019: LOC Work meeting.
- 277       ▪ January 24, 2019: LOC Work meeting.
- 278       ▪ February 4, 2019: LOC Work meeting.
- 279       ▪ February 6, 2019: LOC work meeting.
- 280       ▪ February 8, 2019: LOC work meeting.
- 281       ▪ February 14, 2019: LOC work meeting.
- 282       ▪ February 20, 2019: LOC work meeting.
- 283       ▪ March 1, 2019: LOC work meeting.
- 284       ▪ March 15, 2019: LOC work meeting.
- 285       ▪ March 20, 2019: LOC work meeting
- 286       ▪ March 28, 2019: LOC work meeting.
- 287       ▪ May 1, 2019: LOC work meeting.
- 288       ▪ June 13, 2019: LOC work meeting.
- 289       ▪ July 11, 2019: LOC community outreach event at the Radisson Hotel and Conference Center prior
- 290       to a GTC meeting.
- 291       ▪ July 17, 2019: LOC community outreach event at the Norbert Hill Center's Business Committee
- 292       Conference room.
- 293       ▪ August 9, 2019: LOC community outreach event at the Veteran's Breakfast.
- 294       ▪ August 15, 2019: LOC community outreach event at the Oneida Farmer's Market.
- 295       ▪ August 21, 2019: LOC work meeting.
- 296       ▪ October 7, 2019: LOC community outreach event at the Elder Services Congregate Meal Site.
- 297       ▪ October 16, 2019: LOC work meeting.
- 298       ▪ October 18, 2019: LOC community outreach event at the SEOTS building in Milwaukee.
- 299       ▪ October 31, 2019: LOC work meeting.
- 300       ▪ November 6, 2019: LOC work meeting.
- 301       ▪ November 15, 2019: LOC work meeting.
- 302       ▪ November 19, 2019: LOC work meeting.
- 303       ▪ November 20, 2019: LOC work meeting.



- November 26, 2019: LOC work meeting.
- December 2, 2019: LOC work meeting.
- December 4, 2019: LOC work meeting.
- December 9, 2019: LOC work meeting.
- January 8, 2020: LOC work meeting with the Communications Department.
- January 14, 2020: OBC work meeting.
- January 15, 2020: LOC work meeting.
- January 20, 2020: LOC work meeting.
- December 6, 2023: LOC work meeting.
- March 6, 2024: LOC work meeting.
- March 6, 2024: LOC community outreach event at the Norbert Hill Center's cafeteria.
- March 20, 2024: LOC work session.
- January 10, 2025: LOC work session with Oneida Business Committee.
- February 19, 2025: LOC work session.
- April 16, 2025: LOC work session.

## SECTION 5. CONTENTS OF THE LEGISLATION.

A. *What Qualifies as Misconduct.* The Oneida Nation expects elected officials to uphold high standards of conduct. [1 O.C. 120.4-1]. Officials who engage in misconduct may be subject to sanctions and penalties. [1 O.C. 120.4-2]. Under this Law, the definition of misconduct is very broad and includes any of the following:

- Violating the Oneida Constitution or any law, policy or rule of the Oneida Nation. [1 O.C. 120.4-2(a)].
  - Examples include the Code of Ethics and Conflict of Interest law.
- Violating the bylaws or standard operating procedures of the entity the official serves on. [1 O.C. 120.4-2(b)].
- Being convicted of a felony under federal or Wisconsin law, or being convicted of a crime elsewhere that would be considered a felony in the state of Wisconsin or the United States. [1 O.C. 120.4-2(c)].

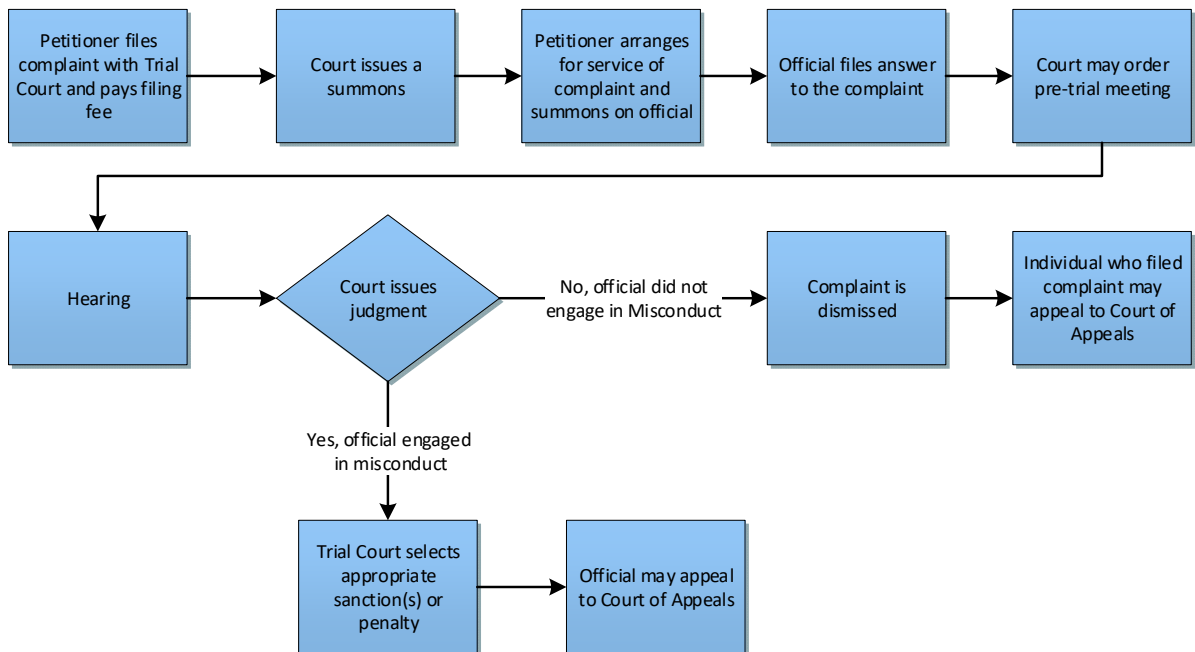
### B. *Filing a Complaint.*

- *Who Can File a Complaint?* Under this Law, any enrolled member of the Nation or employee of the Nation age eighteen (18) years or older can file a complaint, so long as they have knowledge or reason to believe that an official has committed misconduct. [1 O.C. 120.5-1]. Entities of the Nation, such as a board, committee or commission, can also file complaints against elected officials. *Id.*
- *When to File Complaint?* The complaint must be filed within sixty (60) days of when the alleged misconduct occurred or was discovered [1 O.C. 120.5-2].
- *Contents of the Complaint.* Complaints must include the following information [1 O.C. 120.5-3]:
  - Information about the official, including the official's name and the entity they serve on.
  - Information about the alleged misconduct, including date, time, location and specific details.
  - The specific law, policy, rule or bylaw that the official violated.
  - Information about any witnesses or others with knowledge of the violation.
  - Contact information of the individual filing the complaint.

- 348           ▪ Supporting documents and any other information required by the Oneida Judiciary Rules  
349           of Civil Procedure. [8 O.C. 803.5-1].
- 350           ▪ *Where to File Complaints?* Complaints against elected officials are filed with the Trial Court, with  
351           is located within the Oneida Judiciary. [1 O.C. 120.5-4].
- 352           ▪ *Retaliation.* Retaliation against someone who files a complaint or cooperates with a misconduct  
353           investigation is not allowed. [1 O.C. 120.5-5].
- 354   **C. *Complaint Procedure.*** Complaints against elected officials will be heard by the Nation’s Trial Court.  
355   [1 O.C. 120.6-1]. The law outlines the process for how the Judiciary will hear the complaint:
  - 356           ▪ *Right to an Attorney or Advocate.* Any official who has been accused of misconduct has the right  
357           to be represented by an attorney or an advocate, at their own expense. [1 O.C. 120.6-2].
    - 358                   ▪ *Legal Resource Center.* The Legal Resource Center law established an office, the Legal  
359                   Resource Center, to provide legal advice and representation to Tribal members and  
360                   employees in cases before the Judiciary. [8 O.C. 811.1-1].
  - 361           ▪ *Burden of Proof.* The burden of proof for allegations made under this law is “clear and convincing  
362           evidence.” [1 O.C. 120.6-3]. This is the same standard the Nation uses in misconduct cases against  
363           judges in the Oneida Judiciary. [8 O.C. 801.12-6(c)].
    - 364                   ▪ This means that the person filing the complaint must provide evidence “indicating that the  
365                   [allegation] to be proved is highly probably or reasonably certain” [Black’s Law  
366                   Dictionary]. This is a greater burden than “preponderance of the evidence,” the standard  
367                   in most civil trials, but less than evidence “beyond a reasonable doubt,” which is used for  
368                   criminal trials.
  - 369           ▪ *Confidentiality.* All complaints against officials of the nation will be handled confidentially, with  
370           hearings and proceedings regarding the complaint closed to the public. [1 O.C. 120.6-4]. Records  
371           of the hearings will be kept confidential. [120.6-4(b)]. However, the final decision of the Judiciary  
372           and any sanctions and penalties imposed against an official will be public information. *Id.*
    - 373                   ▪ *Judiciary Law.* The Judiciary law states that proceedings of the court are open to the public  
374                   except for peacemaking, mediation, proceedings where the judge has safety or  
375                   confidentiality concerns, or “if expressly prohibited by law.” [8 O.C. 801.4-4].
- 376   **D. *Hearings Under Oneida Judiciary Rules of Civil Procedure.*** All hearings under this law must follow  
377   the Oneida Judiciary Rules of Civil Procedure. [8 O.C. 803]. The following is a brief overview of how  
378   a civil case is processed by the Trial Court using the Oneida Judiciary Rules of Civil Procedure. For  
379   more detailed information regarding the trial court process, see the Oneida Judiciary Rules of Civil  
380   Procedure in the Nation’s Code of Laws.
  - 381           ▪ *Petitioner Files a Complaint with the Trial Court and Pays Filing Fee.* The Trial Court has a  
382           standard complaint form with instructions to fill out the complaint.
    - 383                   ▪ *Complaint.* At the time this analysis was drafted, the Oneida Judiciary Rules of Civil  
384                   Procedure require the complaint to include the full name and address of the plaintiff and  
385                   defendant, why the defendant is being sued, facts supporting each claim, why the trial court  
386                   has jurisdiction, specifically what relief is sought from the defendant, and a summons. [8  
387                   O.C. 803.5-1].
    - 388                   ▪ *Filing Fee.* The Oneida Judiciary Trial Court currently charges a fifty dollar (\$50) filing  
389                   fee to file a general civil case. However, individuals may request a fee waiver from the  
390                   court for the following reasons: unemployed, health/medical, or below poverty level.

- 391       ▪ *Summons*: A summons is a document ordering a defendant to appear before a judge. The  
392       Trial Court has a standard summons form. [8 O.C. 803.3-1(oo), 803.5-2].
- 393       ▪ *Complaint and Summons are served on Official*. The complaint and summons must be delivered to  
394       the elected official within thirty (30) days after the complaint is filed. [8 O.C. 803.5-3]. In addition,  
395       for complaints against officials, notice must also be served to the Secretary's office. *Id.* The  
396       petitioner must provide proof to the Court that the complaint and summons were delivered to the  
397       defendant within ten (10) days of delivery. [8 O.C. 803.5-3(b)]. If proof of service is not completed,  
398       then the case will be dismissed. [8 O.C. 803.5-3(c)].
- 399       ▪ *Official Files an Answer*. The official responds to the complaint by filing an answer. [8 O.C. 803.7-  
400       2(b)]. The official can either admit to or deny the allegations made in the complaint and provide  
401       defenses to each claim made in the complaint [8 O.C. 803.7].
- 402       ▪ *Pre-Trial Meeting*. A pre-trial meeting may be scheduled between the judge, petitioner and  
403       defendant. [8 O.C. 803.12-1]. The purpose for this meeting could include preparing for the trial,  
404       creating a plan regarding discovery, or facilitating a settlement, such as peacemaking [8 O.C.  
405       803.12].
- 406       ▪ *Hearing*. Hearings are conducted in accordance with the Oneida Judiciary Rules of Civil Procedure,  
407       which may include opening statements, presentation of the parties' cases, rebuttals and closing  
408       statements [8 O.C. 803.38].
- 409       ▪ *Judgment*. If the Trial Court determines, by clear and convincing evidence, that there is enough  
410       evidence to substantiate the allegations of misconduct by the official, then the Trial Court will  
411       impose any sanctions and penalties that they deem appropriate. [1 O.C. 120.6-5]. If the Trial Court  
412       does not find there is clear and convincing evidence to support the allegations, the complaint will  
413       be dismissed. *Id.*
- 414       ▪ *Appeals*. Both the official accused of misconduct and the individual who filed the complaint have  
415       the right to appeal the decision of the Trial Court to the Court of Appeals. [1 O.C. 120.6-6; 8 O.C.  
416       803.39-1]. The appeal must be filed with the Court of Appeals in accordance with the Oneida  
417       Judiciary Rules of Appellate Procedure. *Id.*
  - 418       ▪ *Timeline for Appeal*. Appeals of judgments of the Trial Court must be filed with the Court  
419       of Appeals within thirty (30) days after the judgment was rendered. [8 O.C. 805.5-2(a)].

**Chart 2. Complaint Process Against Elected Officials – Overview of Oneida Judiciary Rules of Civil Procedure.**



**E. Sanctions and Penalties.** This Law includes a list of sanctions and penalties that may be imposed on an official for misconduct in office. [1 O.C. 120.4-1, 120.7-2]. The Trial Court is responsible for imposing sanctions and penalties on an elected official. [1 O.C. 120.7-3].

- **Conditional Penalties.** Sanctions and penalties may be imposed on a conditional basis. [1 O.C.120.7-4]. For example, an official could be ordered to make a public apology and attend mandatory training, or otherwise face suspension.
- **Failure to Comply.** If an official fails to comply with a sanction or penalty imposed against them, that official can face additional sanctions as a result of additional misconduct complaints under this Law. [1 O.C. 120.7-6]. An example would be an official failing to pay a fine, failing to attend mandatory training or violating the terms of their suspension .

**Chart 3. List of Potential Sanctions and Penalties for Elected Officials.**

Potential Sanctions and Penalties:
<ul style="list-style-type: none"> <li>▪ Verbal Reprimand</li> <li>▪ Public Apology</li> <li>▪ Written Reprimand</li> <li>▪ Suspension</li> <li>▪ Restitution</li> <li>▪ Fines</li> <li>▪ Loss of Stipend</li> <li>▪ Mandatory Training</li> <li>▪ Removal, in accordance with Removal Law</li> </ul>

- 453     ▪ **Verbal Reprimand.** During an Oneida Business Committee or General Tribal Council meeting,  
454     the Nation’s chairperson will read the following statement: *[Insert name of official] who serves on*  
455     *[Insert name of entity] is receiving this reprimand because they have been found by the Nation’s*  
456     *Judiciary to have engaged in misconduct. High standards of conduct amongst officials of the Nation*  
457     *are essential to the conduct of government. [Insert name of official’s] behavior did not rise to the*  
458     *high standards of conduct that is expected of the Nation’s elected officials. The following are the*  
459     *findings from the Trial Court regarding [Insert name of official’s] misconduct: [identify the*  
460     *judicial findings regarding the misconduct.] Any future misconduct may result in the imposition of*  
461     *additional sanctions or penalties. [1 O.C. 120.7-2(a)].*
- 462     ▪ **Public Apology.** An official may be ordered to make a public apology at an Oneida Business  
463     Committee or General Tribal Council meeting. *[1 O.C. 120.7-2(b)].* The apology is required to  
464     identify the judicial findings regarding the official’s misconduct and include a “clear and  
465     unambiguous” apology. *Id.*
- 466     ▪ **Written Reprimand.** The Judiciary Trial Court may publish a written reprimand in the Nation’s  
467     official media outlets. *[1 O.C. 120.7-2(c)].* Resolution BC-02-22-17-B, *Identifying Official Oneida*  
468     *Media Outlets*, identifies the Nation’s official media outlets as the Oneida Nation website and the  
469     Kalihwisaks newspaper. The written reprimand will include the same information as a verbal  
470     reprimand. *[1 O.C. 120.7-2(c)(1)].*
- 471     ▪ **Suspension.** The Trial Court may suspend part-time officials for up to two (2) meetings. *[1 O.C.*  
472     *120.7-2(d)].* Full-time officials, such as members of the Oneida Business Committee or Oneida  
473     Gaming Commission, may be suspended for up to fifteen (15) business days. *Id.* During a  
474     suspension, the official cannot attend meetings, trainings, or conferences. *[1 O.C. 120.7-2(d)(1)(A)-*  
475     *(B)].* The official also cannot vote or perform work for the entity. *[1 O.C. 120.7-2(d)(1)(C)-(D)].*  
476     In addition, the official cannot earn any stipends, salary, or mileage during the suspension. *[1 O.C.*  
477     *120.7-2(d)(1)(E)].*
  - 478         ▪ **Multiple Suspensions on One Entity.** If multiple officials on the same entity are suspended  
479         at the same time, the suspensions may be imposed on a staggered basis so that the business  
480         of the Nation is not interrupted. *[1 O.C. 120.7-2(d)(3)].* For example, if multiple members  
481         of the Oneida Business Committee are suspended, each member could be suspended one  
482         at a time on a staggered basis.
- 483     ▪ **Restitution.** An official can be ordered to pay restitution, which means paying back any improperly  
484     received benefit, such as returning funds or paying to replace damaged property. *[1 O.C. 120.7-*  
485     *2(e)].* The point of restitution is to make someone whole.
- 486     ▪ **Fines.** An official can be ordered to pay a fine for each act of misconduct. *[1 O.C. 120.7-2(f)].*  
487     Unlike restitution, a fine is a punishment. The maximum amount of each fine is two thousand five  
488     hundred dollars (\$2,500). *Id.*
  - 489         ▪ **Fine Process.** All fines are paid to the Trial Court and deposited into the Nation’s General  
490         Fund. *[120.7-2(f)(1)].* Officials must pay their fine within ninety (90) days after the fine is  
491         issued or upheld on final appeal. *[1 O.C. 120.7-2(f)(3)].* If the fine is not paid on time, the  
492         Nation may collect the money through garnishment or attachment of the official’s per  
493         capita payment. *Id.*
  - 494         ▪ **Community Service Alternative.** An official can complete community service to make up  
495         all or part of their fine. *[1 O.C. 120.7-2(f)(2)].* The rate earned for community service is  
496         the Nation’s minimum wage rate. The Nation currently allows community service for fines

issued in the Hunting, Fishing and Trapping law and Curfew law for examples. [4 O.C. 406.10-5(a), 3 O.C. 308.7-1(b)].

- **Loss of Stipend.** An official may lose their stipend for up to two (2) meetings. [1 O.C. 120.7-2(g)]. Members of elected boards may receive up to twenty-four (24) meeting stipends per year, so this could amount to the loss of approximately one (1) month's stipends for a member of a board that meets twice monthly [1 O.C. 105.13-3(b)].
- **Mandatory Training.** An official can be ordered to complete a mandatory training program to address their behavior. [1 O.C. 120.7-2(h)]. Examples include anger management or sexual harassment training.
- **Removal.** The Trial Court can recommend that the removal process be initiated for an official in accordance with the Removal Law. [1 O.C. 120.7-2(i)]. However, this would only be a recommendation and identification that the standards for removal have been met. The Removal Law provides a strict process that must be followed to remove elected officials. [1 O.C. 104].
  - **Removal Law Process.** In order to remove an elected official, an eligible voter must file a petition with the Secretary signed by at least fifty eligible voters or thirty percent (30%) of the vote cast in the previous general election, whichever is greater. [1 O.C. 104.5-1]. For example, the number of votes cast in the 2017 general election was one thousand six hundred and twelve (1,612), so the number of signatures needed to initiate removal is approximately four hundred and eighty-four (484). Then, the Judiciary conducts a preliminary review to determine whether there are sufficient grounds for removal. [1 O.C. 104.6-1]. If sufficient grounds exist, the Judiciary holds a hearing. [1 O.C. 104.7]. If the Judiciary determines that sufficient grounds for removal has been proven by clear and convincing evidence, the findings are forwarded to the Nation's Chairperson, who schedules a General Tribal Council meeting. [1 O.C. 104.7-3, 104.8-1]. At the General Tribal Council meeting, an elected official may be removed from office after a two-thirds (2/3) majority vote. [1 O.C. 104.8-3].

**F. Factors in Determining Appropriate Sanction and/or Penalty.** The Trial Court may consider the following when deciding which sanction or penalty to impose:

- How severe the misconduct was, whether it was intentional, and how likely the official is to repeat the misconduct.
- The damage to the finances or reputation of the Nation, the entity, or any person or organization.
- Whether the official has expressed remorse and is willing to take steps to correct the harm done.
- Whether any prior complaints have been filed against the official. For example, whether this is the first complaint against the official or represents a pattern of behavior. [1 O.C. 120.7-3].

**G. Civil Liability and Criminal Prosecution.** In addition to the sanctions and penalties in this law, an official who commits misconduct may also experience other consequences. [1 O.C. 120.7-5]. These include:

- Removal from office in accordance with the Removal law. [1 O.C. 120.7-5(a)].
- Criminal prosecution, if the official violated a criminal law. [1 O.C. 120.7-5(b)]. For example, criminal charges for theft or violent acts.
- Civil liability, in accordance with any applicable law of any jurisdiction. [1 O.C. 120.7-5(c)]. For example, a lawsuit for damages.
- Any other penalties listed in another law of the Oneida Nation. [1 O.C. 120.7-5(d)].

- 540           ▪ For example, a violation of the Technology Resources law may result in loss of access to  
541           the Nation's computer resources. [2 O.C. 215.10-1].
- 542 **H. *Effect of Resignation by an Official.*** If an official resigns from office after a complaint has been filed,  
543 that complaint will still be investigated, and sanctions and penalties may still be pursued. [1 O.C. 120.8].  
544 Resigning from office does not end or prevent an investigation.
- 545 **I. *Record of Conduct.*** A record of conduct for each official will be maintained by the Judiciary. [1 O.C.  
546 120.9-1]. The record of conduct maintained for each official will include copies of complaints filed  
547 against the official, recordings and transcripts from any hearings or proceedings, outcomes of the  
548 complaints, and any sanctions and penalties the official received. [1 O.C. 120.9-2]. This record is  
549 required to be maintained for at least seven (7) years. [1 O.C. 120.9-3].
- 550           ▪ *Public Access to Record of Conduct.* The record of conduct maintained by the Judiciary will only  
551 be made available for review to the Judiciary. [1 O.C. 120.9-1]. The purpose of the record of  
552 conduct is so that the Trial Court can review previous complaints against the official when  
553 determining a potential sanction or penalty. [1 O.C. 120.7-3(h)].
- 554           ▪ *Public Access to Judiciary Decisions.* However, the decisions of the Judiciary regarding a  
555 complaint against an elected official and any sanctions and penalties imposed against an official  
556 will be public information. [1 O.C. 120.6-4(b)].  
557

## 558 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

- 559 **A. *References to the Other Laws of the Nation:*** The following laws of the Nation are referenced in this  
560 law. This law does not conflict with any of the referenced laws.
- 561           ▪ *Oneida Judiciary Rules of Civil Procedure.* The Oneida Judiciary Rules of Civil Procedure governs  
562 all civil actions that fall under the jurisdiction of the Nation. [8 O.C. 803.1-1]. The Oneida Judiciary  
563 Rules of Civil Procedure provides a consistent set of rules governing the process for civil claims,  
564 in order to ensure equal and fair treatment to all persons who come before the Trial Court to have  
565 their disputes resolved. [8 O.C. 803.1-2].
- 566           ▪ Complaints against an official shall be filed with the Nation's Trial Court in accordance with  
567 the Oneida Judiciary Rules of Civil Procedure. [1 O.C. 120.5-4].
- 568           ▪ *Rules of Appellate Procedure.* The Rules of Appellate Procedure govern the procedure in all actions  
569 and proceedings in the divisions that make up the Court of Appeals within the Judiciary that fall  
570 under the jurisdiction of the Nation. [8 O.C. 805.1-1]. The Rules of Appellate Procedure are to be  
571 liberally construed to ensure a speedy, fair, and inexpensive determination of every appeal. [8 O.C.  
572 805.1-2].
- 573           ▪ Appeals of the Trial Court's decision shall be filed pursuant to the Nation's Rules of Appellate  
574 Procedure. [1 O.C. 120.6-6].
- 575           ▪ *Garnishment Law.* The Garnishment law exercises the authority of the Nation to provide an  
576 effective mechanism for creditors to access an employee's income for reduction of personal debt.  
577 [2 O.C. 2010.1-1]. It is the policy of the Garnishment law to afford all individuals due process. [2  
578 O.C. 2010.1-2].
- 579           ▪ If an official is ordered to pay a fine in accordance with this law and does not pay according to  
580 the deadline, the Trial Court may seek to collect that fine through the Nation's garnishment  
581 process [120.7-2(f)(3)].
- 582           ▪ *Per Capita Law.* The purpose of the Per Capita law is to specify the procedure to be followed in  
583 the event that per capita payments are distributed by the Nation; and to clearly state the



responsibilities of the various Oneida entities in the distribution or maintenance of any such per capita payment. [1 O.C. 123.1-1].

- If an official is ordered to pay a fine in accordance with this law and does not pay according to the deadline, the Trial Court may seek to collect that fine through the Nation's per capita attachment process [1 O.C. 120.7-2(f)(3)].
- *Removal Law.* The purpose of the Removal law is to govern the removal of persons elected to serve on boards, committees and commissions of the Nation. [1 O.C. 104.1-1]. It is the policy of the Removal law to provide an orderly and fair process for the removal of persons elected to serve on boards, committees and commissions. [1 O.C. 104.1-2].
- The Trial Court may recommend that the process for removing an elected official as contained in the Nation's laws and/or policies governing removal be initiated as a sanction for misconduct. [1 O.C. 120.7-2(i)].
- The imposition of sanctions and/or penalties in accordance with this law does not exempt an official from individual liability for the underlying misconduct, and does not limit any penalties that may be imposed in accordance with other applicable laws, such as removal in accordance with the Nation's laws and/or policies governing removal. [1 O.C. 120.7-5].

## SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS

**A. *Due Process.*** Officials accused of misconduct have the right to be represented by an attorney or advocate. [1 O.C. 120.6-2]. Officials also have the right to submit a written response to the complaint, and an opportunity to appear at the investigatory hearing to answer the allegations, provide witness testimony, documents and evidence on their behalf. [8 O.C. 803]. Complaints against officials must be proven by clear and convincing evidence. [1 O.C. 120.6-3].

## SECTION 8. OTHER CONSIDERATIONS

- A. *Complaints against Judiciary.*** The Judiciary law already contains a process for the reprimand, suspension, and removal of judges for willful misconduct in office, including a hearing and complaint procedure. [8 O.C. 801.12]. Therefore, this law does not apply to members of the Judiciary. [1 O.C. 120.1-1(a)].
- B. *Judiciary Conflicts of Interest.*** The Oneida Tribal Judiciary Canons of Judicial Conduct requires a Judge to withdraw from any matter where the Judge has or could be perceived to have a conflict of interest. [8 O.C. 802.2-2]. Violating the Oneida Tribal Judiciary Canons of Judicial Conduct would be grounds for reprimand under the Nation's Judiciary law
- C. *Complaints Against Appointed Officials.*** This law applies to elected officials only. Appointed officials are appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law and serve at the Oneida Business Committee's discretion. [1 O.C. 105.7]. If an appointed official commits misconduct in office, termination of appointment may be recommended by a member of the Oneida Business Committee, or by the entity the official serves on. [1 O.C. 105.7-4]. An appointed official may have their appointment terminated by a two-thirds (2/3) majority vote of the Oneida Business Committee [1 O.C. 105.7-4(a)].
- D. *Code of Ethics.*** Most other tribal, municipal, and state governments place sanctions and penalties within their Code of Ethics law. This makes sense, as the Code of Ethics and Sanctions and Penalties

are closely related. The Code of Ethics is currently on the LOC's Active Files List for potential amendments. Updating the Code of Ethics would provide additional guidance to elected officials, individuals filing complaints, and the Judiciary when they begin hearing complaints under this law.

- E. **Comparison to Other Nations.** Research of other tribal nations indicate that there are many different processes for sanctions and penalties of public officials. There is no uniform standard used by all tribal governments. Examples of other sanctions and penalties processes are provided for information:

**Chart 4. Sanctions and Penalties Process of other Tribal Nations**

Tribe	Where Complaints Are Filed	Who Investigates or Hears the Complaint	Who Decides the Sanction or Penalty
<b>Oneida Nation (proposed)</b>	Judiciary	Judiciary	Judiciary
<b>Siletz</b>	Tribal Council*	Ad Hoc Committee or Special Advisor appointed by Tribal Council*	Tribal Council*
<b>Ho Chunk</b>	Judiciary	Judiciary	President
<b>Rosebud Sioux</b>	Ethics Commission, appointed by Tribal Council*	Ethics Commission, appointed by Tribal Council*	Tribal Council*
<b>Skokomish</b>	Ethics Officer, appointed by Tribal Council*	Ethics Officer, appointed by Tribal Council*	Chairman

\*Note that "Tribal Council" refers to an elected body similar to the Oneida Business Committee.

- F. **Number of Potential Complaints.** Since the Nation currently has no formal sanctions and penalties process, it is not possible to predict the number of complaints that may be filed against elected officials.

- **Conclusion:** Given the uncertainty regarding the number of potential complaints, the Judiciary should be prepared to possibly process a large number of complaints upon passage of this law.

- G. **Impact of Suspension on Full-Time Officials.** Members of the Oneida Business Committee and Oneida Gaming Commission are full-time elected officials. Therefore, suspension of these officials would impact salaries, benefits such as health insurance, and access to workplaces. The Human Resources Department reports that they have a suspension procedure in place for employees of the Nation, and that this procedure could be applied or modified for suspension of full-time officials.

- **Conclusion:** Since notifications of suspension go to the Human Resources Department, it is suggested that the Human Resources Department develop a process should suspensions of full-time Oneida Business Committee members or Oneida Gaming Commissioners occur.

- H. **Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, "Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures Act," provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

- **Conclusion.** A fiscal impact statement for an earlier draft of this law was prepared by the Finance Department on December 27, 2018. An updated fiscal analysis was prepared on January 20, 2020.

656 Please see the fiscal impact statements for further information.  
657

**Title 1. Government and Finances - Chapter 120**  
**Kalihwahníla'tú Okhale? Atatlihwá'thlewáhtu Kayanlása**  
*Giving strength to the issues and Forgiving oneself for the issue at hand* Laws  
**SANCTIONS AND PENALTIES**

120.1. Purpose and Policy  
120.2. Adoption, Amendment, Repeal  
120.3. Definitions  
120.4. Misconduct  
120.5. Filing of a Complaint

120.6. Complaint Procedure  
120.7. Sanctions and Penalties  
120.8. Effect of Resignation by an Official  
120.9. Record of Conduct

**120.1. Purpose and Policy**

120.1-1. *Purpose.* The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office in order to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

(a) *Exclusion.* This law does not apply to judges of the Oneida Nation Judiciary or members of corporate entities of the Nation.

120.1-2. *Policy.* It is the policy of the Nation to ensure that elected officials who commit misconduct while in office be subject to appropriate sanctions and penalties; and to ensure that there is a fair process in place that enables officials to fairly respond to allegations of misconduct.

120.1-3. It is the intent of the Nation that all elected officials strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onayote'a'ka, which includes:

- (a) Kahletsyalása. The heart felt encouragement of the best in each of us.
- (b) Kanolukhwása. Compassion, caring, identity, and joy of being.
- (c) Ka'nikuhli'yó. The openness of the good spirit and mind.
- (d) Ka'tshatstása. The strength of belief and vision as a People.
- (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
- (f) Twahwahtsíláyá. All of us are family.
- (g) Yukwatsístáyá. Our fire, our spirit within each one of us.

**120.2. Adoption, Amendment, Repeal**

120.2-1. This law was adopted by the General Tribal Council by resolution GTC-\_\_-\_\_-\_\_.

120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

120.2-3. 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.

120.2-4. 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.

120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**120.3. Definitions**

120.3-1. 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) “Business day” means Monday through Friday 8:00 a.m. – 4:30 p.m., excluding holidays recognized by the Nation.
- (b) “Clear and convincing evidence” means evidence that demonstrates it is substantially more likely than not that the facts presented are true.
- (c) “Complainant” means an individual who has made a complaint.
- (d) “Constitution” means the Constitution and By-Laws of the Oneida Nation.
- (e) “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.
- (f) “Entity” means a board, committee, commission, office, or other group of the Nation an individual may be elected to serve a position on, including the Oneida Business Committee.
- (g) “Government Administrative Office” means the office that provides administrative support for the Oneida Business Committee and various other governmental operations.
- (h) “Misconduct” means wrongful, improper, or unlawful conduct or behavior.
- (i) “Nation” means the Oneida Nation.
- (j) “Official” means any person who is elected to serve a position for the Nation, including, but not limited to, a position on a board, committee, commission, or office of the Nation, including the Oneida Business Committee.
- (k) “Restitution” means compensation to an individual or entity for an injury, damage, or loss.
- (l) “Stipend” means the amount paid by the Oneida Nation to elected individuals serving on boards, committees and commissions of the Nation to offset the expenses of being a member on the board, committee or commission.
- (m) “Substantiate” means to find that the complaint or allegation in the complaint is valid because there is clear and convincing evidence.
- (n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

#### **120.4. Misconduct**

120.4-1. It shall be the obligation of every official to behave in a manner that promotes high standards of conduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government.

120.4-2. An official may be subject to sanctions and penalties for behaving in a manner which constitutes misconduct. Misconduct includes:

- (a) a violation of the Constitution or any of the Nation’s laws, policies, or rules;
- (b) a violation of the bylaws, standard operating procedures, or other internal operating documents that govern the entity upon which the official serves; and
- (c) a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law.

#### **120.5. Filing of a Complaint**

120.5-1. *Who May File.* Any individual at least eighteen (18) years of age or older who is an enrolled member of the Nation or an employee of the Nation, or an entity, who in good faith, has knowledge or reason to believe that an official has committed misconduct, may file a written complaint.

120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has occurred, or was discovered to have occurred, within the previous sixty (60) days.

120.5-3. *Contents of the Complaint.* The complaint alleging misconduct by an official shall include the following information:

- (a) The name(s) of the official alleged to have committed the misconduct;
- (b) The entity or entities upon which the official serves;
- (c) The specific date(s), time(s), and location(s) of the alleged misconduct;
- (d) The specific details of the official's misconduct;
- (e) The specific provision of law, policy, rule, or bylaw of the Nation allegedly violated by the official;
- (f) Names of any witnesses of the alleged misconduct, or individuals who may have knowledge pertinent to the alleged misconduct;
- (g) The contact information for the person filing the complaint, which at minimum shall include the person's name, address, and telephone number;
- (h) A notarized sworn statement attesting that the information provided in and with the complaint is true, accurate, and complete to the best of the complainant's knowledge;
- (i) Any supporting documentation; and
- (j) Any other information required by the Nation's Rules of Civil Procedure.

120.5-4. *Where to File.* Complaints against an official shall be filed with the Nation's Trial Court pursuant to the Nation's Rules of Civil Procedure.

120.5-5. *Retaliation Prohibited.* Retaliation against any individual who makes a complaint or party or witness to a complaint is prohibited. This protection shall also be afforded to any person offering testimony or evidence or complying with directives authorized under this law. Retaliation shall include any form of adverse or punitive action by, or caused by, any official.

- (a) If an individual alleges that retaliatory action has been threatened or taken based on the individual's complaint, or cooperation with directives authorized under this law, the individual may file a complaint for the retaliatory action in accordance with section 120.5 of this law.

## **120.6. Complaint Procedure**

120.6-1. *Jurisdiction of the Trial Court.* The Trial Court shall have jurisdiction to hear complaints of alleged misconduct of officials.

120.6-2. Any official who is the subject of a complaint has the right to be represented by an attorney or advocate, at their own expense, for any actions or proceedings related to the complaint.

120.6-3. *Burden of Proof.* In a civil action against an official for misconduct, the complainant has the burden of proving by clear and convincing evidence that the official engaged in misconduct.

120.6-4. *Confidentiality.* All complaints alleged against an official of the Nation shall be handled in a confidential manner.

- (a) All hearings and/or proceedings related to a complaint shall be closed to the general public.
- (b) All records of hearings and/or proceedings shall not be subject to public review or inspection except that a decision of the Judiciary regarding a complaint alleged against an official, and any sanctions and/or penalties that are imposed against an official, shall be public information.

120.6-5. *Determination of the Trial Court.* In making a final determination, the Trial Court shall determine if there is enough evidence to substantiate the allegations of misconduct by the official by clear and convincing evidence.

(a) If the Trial Court finds that there is clear and convincing evidence that the official engaged in misconduct, the Trial Court shall determine and impose any sanctions and/or penalties deemed appropriate in accordance with this law.

(b) If the Trial Court does not find that there is clear and convincing evidence to support the allegations that the official engaged in misconduct, the complaint shall be dismissed.

120.6-6. *Appeal.* The complainant and the official who is the subject of the complaint shall both have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the Nation's Rules of Appellate Procedure. The appeal shall be limited to review of the record, and the Trial Court's decision may only be overturned if the Court of Appeals determines that:

(a) The findings or penalties imposed were clearly erroneous, unsupported by the record, or made on unreasonable grounds or without any proper consideration of circumstances;

or  
(b) Procedural irregularities occurred which prevented a fair and impartial hearing.

## **120.7. Sanctions and Penalties**

120.7-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be imposed upon the Nation's officials for misconduct in office, in accordance with this law.

120.7-2. Sanctions and penalties may include:

(a) *Verbal Reprimand.* A verbal reprimand may be imposed on the official.

(1) The Trial Court shall submit written notices to both the official and to the Government Administrative Office of the specific date, time, and location of the verbal reprimand. The verbal reprimand shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting.

(2) To impose the verbal reprimand, the presiding Oneida Business Committee Chairperson, or another Oneida Business Committee member if the verbal reprimand is imposed against the presiding Oneida Business Committee Chairperson, shall read the following statement:

(A) *[Insert name of official] who serves on [Insert name of entity] is receiving this reprimand because they have been found by the Nation's Judiciary to have engaged in misconduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government. [Insert name of official's] behavior did not rise to the high standards of conduct that is expected of the Nation's elected officials. The following are the findings from the Trial Court regarding [Insert name of official's] misconduct: [identify the judicial findings regarding the misconduct.] Any future misconduct may result in the imposition of additional sanctions or penalties.*

(b) *Public Apology.* The official may be ordered to make a public apology.

(1) The Trial Court shall submit written notices to both the official and to the Government Administrative Office of the specific date, time, and location of the public apology. The public apology shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting.



- 175 (2) The public apology made by the official shall identify the judicial findings  
176 regarding the official's misconduct and include a clear and unambiguous apology  
177 from the official for the misconduct.
- 178 (c) *Written Reprimand.* A written reprimand may be imposed on the official by  
179 publication on the Nation's official media outlets, as determined by the Oneida Business  
180 Committee.
- 181 (1) The Trial Court may publish a written reprimand which includes the same  
182 statement as required for the verbal reprimand as stated in section 120.7-  
183 2(a)(2)(A).
- 184 (d) *Suspension.* An official may be suspended from performing their duties as an official  
185 for a period of time not to exceed two (2) regular meetings, or fifteen (15) business days  
186 if the official serves in a full-time capacity.
- 187 (1) During a suspension, the official shall not:
- 188 (A) attend meetings, trainings or any other event as part of the entity;  
189 (B) attend conferences or other events on behalf of, or as a representative  
190 of, the entity;  
191 (C) vote or participate in any activities of the entity;  
192 (D) perform work on behalf of the entity; or  
193 (E) be eligible for any compensation, including regular pay, stipends, or  
194 mileage reimbursement.
- 195 (2) When an official is suspended, the Trial Court shall submit written notices to  
196 the official, the Government Administrative Office, Finance Administration, and  
197 the Human Resources Department, when applicable, of the specific start and end  
198 date of the suspension.
- 199 (3) If a suspension is imposed on multiple officials of the same entity at one time,  
200 the Trial Court may impose the suspensions of the officials on a staggered basis to  
201 avoid an interruption of the official business and function of the entity.
- 202 (e) *Restitution.* An official may be ordered to pay restitution, which may include the  
203 repayment of any improperly received benefit, or any other payment which is intended to  
204 make another individual or entity whole after suffering losses as a result of the official's  
205 misconduct.
- 206 (f) *Fines.* An official may be ordered to pay a fine not to exceed two thousand and five  
207 hundred dollars (\$2,500).
- 208 (1) Fines shall be paid to the Trial Court.
- 209 (2) Community service may be substituted for part or all of any fine at the  
210 minimum wage rate of the Nation for each hour of community service. The use of  
211 community service as a substitution for a fine shall be approved and monitored by  
212 the Trial Court.
- 213 (3) Fines shall be paid within ninety (90) days after the order is issued or upheld  
214 on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial  
215 Court may seek to collect the money owed through garnishment either through the  
216 procedures provided in the Nation's Garnishment law or through garnishment  
217 procedures of other jurisdictions, and/or per capita attachment in accordance with  
218 the Per Capita law.
- 219 (g) *Loss of Stipend.* An official may be ordered to forfeit a stipend for their service on an  
220 entity not to exceed two (2) meetings.

- (1) When an official is ordered to forfeit a stipend, the Trial Court shall submit written notices to the official and the Government Administrative Office.
- (h) *Mandatory Participation in Training.* An official may be ordered to participate in and complete a training class or program at their own expense that will assist the official in addressing and improving their behaviors and/or actions.
- (1) The mandated training class or program may address a variety of topics including, but not limited to, anger management, sexual harassment, or other sensitivity training.
- (i) *Removal.* The Trial Court may recommend that the process for removing an elected official as contained in the Nation's laws and/or policies governing removal be initiated.
- 120.7-3. *Factors in Determining an Appropriate Sanction and/or Penalty.* When determining the appropriate sanction or sanctions to impose, the Trial Court may consider all factors it deems relevant, including but not limited to:
- (a) the seriousness or severity of the misconduct;
  - (b) whether the conduct was intentional or not;
  - (c) the likelihood of repetition;
  - (d) the extent of probable damage to the finances or reputation of the Nation, the complainant, the entity, or to any other person or organization;
  - (e) whether the official or their family personally profited, financially or otherwise, from the prohibited conduct;
  - (f) the official's remorse, or
  - (g) the official's willingness and ability to take steps to mitigate the harm caused by the violation, and
  - (h) the record of conduct of an official.
- 120.7-4. The Trial Court may impose a sanction and/or penalty on a conditional basis, whereas compliance with a specific sanction and/or penalty shall prevent the imposition of a more stringent or burdensome sanction and/or penalty.
- 120.7-5. The imposition of sanctions and/or penalties in accordance with this law does not exempt an official from individual liability for the underlying misconduct, and does not limit any penalties that may be imposed in accordance with other applicable laws. In addition to any sanctions and penalties that may be imposed in accordance with this law, officials who commit misconduct in office may be subject to other consequences; including but not limited to:
- (a) removal in accordance with the Nation's laws and/or policies governing removal;
  - (b) criminal prosecution, for misconduct that also violates applicable criminal law;
  - (c) civil liability, in accordance with the applicable law of any jurisdiction; and/or
  - (d) penalties for specific misconduct as authorized by any other law of the Nation.
- 120.7-6. An official who does not comply with a sanction and/or penalty that has been imposed against him or her by the Trial Court may be subject to the following:
- (a) additional sanctions and/or penalties that result from a complaint of misconduct filed in accordance with this Law based on the non-compliance;
  - (b) removal in accordance with the Nation's laws and policies governing removal.
- 120.8. Effect of Resignation by an Official**
- 120.8-1. The resignation of an official after a complaint has been filed against the official shall not affect the status of the hearing and determination by the Trial Court.
- 120.8-2. An official who resigns may still be subject to sanctions and/or penalties at the discretion of the Trial Court.

**120.9. Record of Conduct**

120.9-1. The Judiciary shall maintain a record of conduct for each official. An official's record of conduct shall only be made available for review by the Judiciary.

120.9-2. The record of conduct maintained for each official shall include, at a minimum:

- (a) a copy of each complaint filed against the official;
- (b) recording and/or transcript from any hearings and/or proceedings;
- (c) the outcome of the complaint, and
- (d) any sanctions or penalties imposed upon an official.

120.9-3. The record of conduct for each official shall be maintained for a period of no less than seven (7) years.

*End.*

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Adopted – GTC- \_\_ - \_\_ - \_\_ - \_\_



LEGISLATIVE OPERATING COMMITTEE

104 of 201

# COMMUNITY MEETING

**WEDNESDAY, JUNE 4**

**5:30PM - 7:30PM**

**NORBERT HILL CENTER CAFETERIA**

N7210 Seminary Rd, Oneida, WI 54155

Please join the Legislative Operating Committee (LOC) for a community meeting to gather input regarding the development of the following new laws for the Nation:

- ◆ **10 day Notice Policy Amendments**
- ◆ **Election Law Amendments**
- ◆ **Renewable Energy Law**

The LOC will have a brief overview of the legislative process prior to the discussion of the above mentioned topics. The LOC encourages everyone to come participate in the legislative process by providing comments, suggestions, and questions that the LOC can consider and utilize in the development of these new laws for the Nation.

Food from the Oneida Cannery will be provided during this community event.

## LEGISLATIVE OPERATING COMMITTEE MEMBERS

Kirby Metoxen  
LOC Vice Chairman



Jameson  
Wilson  
LOC Chairman



Jennifer  
Webster  
LOC Member



Marlon  
Skenandore  
LOC Member



Jonas Hill  
LOC Member





## **Legislative Operating Committee Fiscal Year 2025 Second Quarter Report January 2025 – March 2025**

### **Legislative Operating Committee Strategic Directions**

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

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

### **Legislative Operating Committee Action on Legislative Requests**

During the FY25 Second Quarter the Legislative Operating Committee added three (3) legislative items to its Active Files List. The Legislative Operating Committee denied one (1) legislative item during the FY25 Second Quarter.

On February 5, 2025, the Legislative Operating Committee added the Lavish and Extravagant Trip and Gratuities Law and the Ten Day Notice Policy Amendments to its Active Files List.

On February 19, 2025, the Legislative Operating Committee added the Election Law Amendments to its Active Files List.

On March 5, 2025, the Legislative Operating Committee denied the request to add the Oneida General Welfare Law to its Active Files List.

### **FY25 Second Quarter Legislative Accomplishments**

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

#### **Oneida Life Insurance Plan Law Amendments**

On January 22, 2025, the Oneida Business Committee adopted amendments to the Oneida Life Insurance Plan law through the adoption of resolution BC-01-22-25-B. The purpose of the Oneida Life Insurance Plan law is to provide a death benefit through the Oneida Life Insurance Plan for

all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1]. Amendments to the Oneida Life Insurance Plan law were sought to include an appeal section which provides that an individual designated as the beneficiary of a decedent who believes they were wrongfully denied benefits from the Oneida Life Insurance Plan by the Oneida Trust Enrollment Department may appeal the denial of benefits to the Oneida Trust Enrollment Committee, and subsequently any decision made by the Oneida Trust Enrollment Committee regarding the validity of the denial of benefits is final. [10 O.C. 1004.9-1].

## **FY25 Second Quarter Administrative Accomplishments**

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

### **Real Property Law Rule No. 3 - Easements**

The Legislative Operating Committee certified and forwarded the Real Property Law Rule No. 3 - Easements to the Oneida Business Committee on February 19, 2025. On February 26, 2025, the Oneida Business Committee adopted the Real Property Law Rule No. 3 - Easements.

### **Petition S. Benton - Move Oneida Nation Arts Program under Tourism or Community Development**

The Legislative Reference Office provided a statement of effect for the Petition S. Benton - Move Oneida Nation Arts Program under Tourism or Community Development to the Oneida Business Committee.

## **FY25 Second Quarter Community Outreach Efforts**

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

On March 19, 2025, from 5:30 p.m. through 7:30 p.m. the Legislative Operating Committee held a community meeting in the Norbert Hill Center's cafeteria. Topics discussed during the community meeting included a discussion of the development of the following legislation for the Nation: Elder Protection law; Hunting, Fishing, and Trapping law amendments; and Indian Preference in Contracting law amendments. The purpose of this community meeting was to provide an opportunity for open discussion in which people could share comments, questions, or suggestions on potential issues that should be addressed regarding the topics discussed.

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

## **FY25 Second Quarter Legislative Highlights**

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

### **Boards, Committees, and Commissions Law Amendments**

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

### **Business Corporations Law**

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

### **Conflict of Interest Law Amendments**

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

### **Elder Protection Law**

This item is sponsored by Jennifer Webster and Marlon Skenandore. The Legislative Operating Committee held eight (8) work meetings during the FY25 Second Quarter regarding this legislative matter. On March 19, 2025, the Legislative Operating Committee held a community meeting in which the development of an Elder Protection law was a topic of discussion.

### **Higher Education Scholarship Law**

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held five (5) work meetings during the FY25 Second Quarter regarding this legislative matter.

### **Hunting, Fishing, and Trapping Law Amendments**

This item is sponsored by Jonas Hill. The Legislative Operating Committee held four (4) work meetings during the FY25 Second Quarter regarding this legislative matter. On March 19, 2025, the Legislative Operating Committee held a community meeting in which the development of amendments to the Hunting, Fishing, and Trapping law was a topic of discussion.

### **Independent Contractor Policy Amendments**

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

### **Indian Preference in Contracting Law Amendments**

This item is sponsored by Jonas Hill and Marlon Skenandore. The Legislative Operating Committee held two (2) work meeting during the FY25 Second Quarter regarding this legislative matter. On March 19, 2025, the Legislative Operating Committee held a community meeting in



which the development of amendments to the Indian Preference in Contracting law was a topic of discussion.

### **Landlord Tenant Law Amendments**

This item is sponsored by Jonas Hill. On February 5, 2025, the Legislative Operating Committee approved the public meeting packet for the amendments to the Landlord Tenant law and forwarded this legislative item to a public meeting to be held on March 14, 2025. On March 14, 2025, a public meeting was held and no individuals provided comments during the public meeting. The public comment period was then held open until March 25, 2025, and one (1) person provided written comments during the public comment period.

### **Law Enforcement Ordinance Amendments**

This item is sponsored by Jonas Hill. On January 15, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments. On February 5, 2025, the Legislative Operating Committee approved the public meeting packet for the amendments to the Oneida Nation Law Enforcement Ordinance and forwarded this legislative item to a public meeting to be held on March 14, 2025. On March 14, 2025, a public meeting was held and one (1) individual provided comments during the public meeting. The public comment period was then held open until March 25, 2025, and no individuals provided written comments during the public comment period.

### **Marijuana Law**

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

### **Probate Law**

This item is sponsored by Kirby Metoxen, Jameson Wilson, Marlon Skenandore. The Legislative Operating Committee held five (5) work meetings during the FY25 Second Quarter regarding this legislative matter.

### **Real Property Law Amendments**

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

### **Recycling and Solid Waste Disposal Law Amendments**

This item is sponsored by Kirby Metoxen and Jonas Hill. The Legislative Operating Committee held three (3) work meetings during the FY25 Second Quarter regarding this legislative matter.

### **Renewable Energy Law**

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

**Sanctions and Penalties Law**

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held two (2) work meetings during the FY25 Second Quarter regarding this legislative matter. On March 5, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis of the Sanctions and Penalties law, and approved the Legislative Operating Committee Sanctions and Penalties law community work session notice, and scheduled a community work session to occur on April 2, 2025.

**Short Term Rental Law**

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

**Taxation Law**

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

**Ten Day Notice Policy Amendments**

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

**Tribal Sovereignty in Data Research Law**

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

**Two Spirit Inclusion Law**

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

**Uniform Commercial Code**

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

**Vendor Licensing Law Amendments**

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

**Workplace Violence Law Amendments**

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

## **FY25 Second Quarter Legislative Operating Committee Meetings**

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

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

- January 15, 2025 – Regular meeting;
- February 5, 2025 – Regular meeting;
- February 19, 2025 – Regular meeting; and
- March 5, 2025 – Regular meeting.

The January 1, 2025, Legislative Operating Committee meeting was canceled due to the New Year's Day holiday. The March 19, 2025, Legislative Operating Committee meeting was canceled due to a lack of quorum.

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

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

## **Goals for FY25 Second Quarter**

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

- Hold an additional LOC community meeting and community work session.
- Adoption of the Oneida Nation Law Enforcement Ordinance Amendments.
- Adoption of the Landlord Tenant Law Amendments.
- Hold a public meeting for the Hunting, Fishing, and Trapping Law Amendments.

## **Legislative Reference Office**

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

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

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

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

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

## Legislative Operating Committee Contact Information

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

- |  |   |
|--|---|
| ▪ Jameson Wilson, LOC Chairman<br><a href="mailto:jwilson@oneidanation.org">jwilson@oneidanation.org</a>   | ▪ Jonas Hill, LOC Member<br><a href="mailto:jhill1@oneidanation.org">jhill1@oneidanation.org</a>            |
| ▪ Kirby Metoxen, LOC Vice-Chairman<br><a href="mailto:kmetox@oneidanation.org">kmetox@oneidanation.org</a> | ▪ Marlon Skenandore, LOC Member<br><a href="mailto:mskenan1@oneidanation.org">mskenan1@oneidanation.org</a> |
| ▪ Jennifer Webster, LOC Member<br><a href="mailto:jwebstel@oneidanation.org">jwebstel@oneidanation.org</a> |   |

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

