



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill Center

September 3, 2025

9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. August 20, 2025 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Independent Contractor Law Amendments (pg. 4)
2. Workplace Violence Law Amendments (pg. 20)
3. Public Use of Tribal Land Law Amendments (pg. 51)
4. Sanctions and Penalties Law (pg. 74)
5. Oneida Personnel Policies and Procedures Amendments (pg. 126)
6. Higher Education Scholarship Law (pg. 136)
7. Real Property Law Amendments (pg.144)

IV. New Submissions

1. Business Committee Employment Restriction Non-Compete Agreement and Policy (pg. 167)

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
August 20, 2025
9:00 a.m.

Present: Jameson Wilson (Microsoft Teams), Marlon Skenandore, Kirby Metoxen

Excused: Jonas Hill, Jennifer Webster

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

Others Present on Microsoft Teams: David Jordan, Eric Boulanger, Melissa Alvarado, Rhiannon Metoxen, Fawn Cottrell, Peggy Helm-Quest, Fawn Billie, Sarah White, Taryn Webster, Tavia James-Charles, Kaylynn Biely, Linda Dallas, Ralinda Ninham-Lamberies, Brandon Yellowbird Stevens, Kristal Hill, Diane Wilson, Mae Cornelius, Barbara Webster, Joel Maxam, Shannon Stone

I. Call to Order and Approval of the Agenda

Jameson Wilson called the August 20, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marlon Skenandore to adopt the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. August 6, 2025 LOC Meeting Minutes

Motion by Marlon Skenandore to approve the August 6, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Independent Contractor Law Amendments

Motion by Marlon Skenandore to approve and accept the updated draft, approve and accept the legislative analysis, and direct the Legislative Reference Office to schedule a public meeting; seconded by Kirby Metoxen. Motion carried unanimously.

2. Workplace Violence Law Amendments

Motion by Kirby Metoxen to approve the updated draft, approve the legislative analysis, and direct the Legislative Reference Office to schedule a public meeting; seconded by Marlon Skenandore. Motion carried unanimously.



3. Public Use of Tribal Land Law Amendments

Motion by Kirby Metoxen to approve the draft of amendments to the Public Use of Tribal Land law amendments; seconded by Marlon Skenandore. Motion carried unanimously.

IV. New Submissions**1. Disposition of Excess Tribal Property Policy Amendments or Repeal**

Motion by Kirby Metoxen to add the Disposition of Excess Tribal Property Policy Amendments or Repeal to the Active Files List with Marlon Skenandore as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

2. Child Custody, Placement, and Visitation Law Amendments

Motion by Marlon Skenandore to add the Child Custody, Placement, and Visitation Law Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

V. Additions**VI. Administrative Updates****1. E-Poll Results: Approval of the LOC FY25 Third Quarter Report**

Motion by Marlon Skenandore to enter into the record the results of the August 7, 2025, e-poll entitled, Approval of the LOC FY25 Third Quarter Report; seconded by Kirby Metoxen. Motion carried unanimously.

VII. Executive Session**VIII. Adjourn**

Motion by Marlon Skenandore to adjourn at 9:23 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee
September 3, 2025

Independent Contractors

Submission Date: 6/19/24	Public Meeting: N/A
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

Summary: *This item was added to the Active Files List on June 19, 2024, at the request of RaLinda Ninham-Lamberies, the Nation's Chief Financial Officer. Amendments are being sought to update the law, specifically sections 503.5-1 and 503.5-2 to ensure the Nation is adequately reporting any independent contractor relationships to the IRS.*

6/19/24 LOC: Motion by Kirby Metoxen to add the Independent Contractor Policy Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

9/16/24: *Work Meeting.* Present: Jonas Hill, Kirby Metoxen, Fawn Cottrell, Fawn Billie, Kristal Hill, Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Tonya Webster, Marque Smith, Thomas Eggert, Carolyn Salutz, Clorissa Leeman. The purpose of this work meeting was to review the changes to the law the LRO currently has; it's been since 2017 that our office has worked on amendments. Carolyn specifically wanted to review section 503.5. Most concerns focused on establishing requirements for independent contractors to correctly report/license/contract and how to ensure and require proper classification for the Nation to reduce liability and tax penalties.

11/08/24: *Work Meeting.* Present: Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Heidi Janowski, Marques Smith, Thomas Eggert, Jameson Wilson, Jennifer Webster, Marlon Skenandore, Kristal Hill, Maureen Perkins, Carolyn Salutz. The purpose of this work meeting was to continue reviewing the draft. We did a line-by-line review of the entire draft. Ralinda mentioned that the IRS just came out with guidance about independent contractor classification and about board members no longer being classified/considered employees and now being independent contractors. It was mentioned that this change might warrant its own meeting to discuss implications. Mentioned that some independent contractors do use their individual SSN, like doctors. (Carolyn will have to research that) Other than that, minor changes were discussed, like wording and numbering.

1/23/25: *Work Meeting.* Present: Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Heidi Janowski, Tonya Webster, Alexandria Powless, Marques Smith, Kong Meng Moa, Thomas Eggert, Beth Schirck Smith, Jameson Wilson, Jennifer Webster, Kristal Hill, Maureen Perkins, Fawn Billie, Carolyn Salutz. The purpose of this meeting was to review the newest amendments; the law is short; we did a line-by-line review. Sarah and Ralinda gave the most suggestions, and mentioned they will send written suggestions. Once Carolyn gets those written suggestions, she'll make those changes and then schedule the next work meeting.

4/29/25: *Work Meeting.* Present: Stephani Metoxen, Sarah White, Ralinda Ninham-Lamberies, Heidi Janowski, Tonya Webster, Marque Smith, Kong Meng Moa, Thomas Eggert, Beth Schirck Smith, Jameson Wilson, Jennifer Webster, Kristal Hill, Carolyn Salutz, Clorissa Leeman. The purpose of this meeting is to review the latest draft. We did a line-by-line review and then discussed some sections. Most discussion was around conflict of interest and when an employee may not be hired as an independent contractor.

6/20/25: *Work Meeting.* Present: Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Tonya Webster, Marques Smith, Kong Meng Moa, Thomas Eggert, Beth Schirck Smith, Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Kristal Hill, Carolyn Salutz. The purpose of this work meeting was to review the latest draft. We did a read-through, noting the only change that was made since the last work meeting, which starts on line 145. It was mentioned that the order of approval needs to be changed. Right now, under section 503.7, the law has: insurance, contract, purchase order, tax ID, vendor license. The correct order should be license, insurance, tax ID, purchase order, contract. There was brief discussion about insurance approval requirements, but nothing that needs to be or should be addressed in this law. In lines 145-150 “department” should be changed to “division.” No other suggestions were made.

7/31/25: *Work Meeting.* Present: Sarah White, Marques Smith, Kong Meng Moa, Thomas Eggert, Sarah Miller Jessica King, Alexandria Powless, Heidi Janowski, Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Fawn Cottrell, Carolyn Salutz. The purpose of this work meeting was for the LOC to do one final read-through with the group and approve a final draft. Group did complete a read-through. Carolyn needs to make a few grammatical changes and correct section numbers. Sarah White also had a suggestion on line 121-122 and will send Carolyn suggested language. Once Carolyn can make these final changes, ideally be tomorrow (Friday, 8/1/25), we can add the draft to the LOC’s next meeting on 8/6.

8/12/25: *Memo to LOC.* On Tuesday, August 12, 2025, the LOC received a memo from Law Office attorney Peggy Van Gheem with some suggestions for edits to the draft. On August 13, 2025, the drafting attorney, Carolyn Salutz, incorporated those edits.

8/20/25 LOC: Motion by Marlon Skenandore to approve and accept the updated draft, approve and accept the legislative analysis, and direct the Legislative Reference Office to schedule a public meeting; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Accept the public meeting packet and schedule and hold a public meeting on October 15, 2025.

ONEIDA NATION PUBLIC MEETING NOTICE**WEDNESDAY, OCTOBER 15, 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](https://oneida-nsn.gov/government/register/public%20meetings)

**Send Public Comments to**

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

INDEPENDENT CONTRACTORS LAW AMENDMENTS

The purpose of the Independent Contractors law is to require proper worker classification to ensure the Nation's compliance with tax regulations.

The Independent Contractors law amendments will:

- ♦ Clarify in the definitions what it means to qualify as an “employee” versus an “independent contractor.”
- ♦ Clarify in the definitions what it means to have the “scope of work,” including updated definitions of “deliverables” and “services.”
- ♦ Require the Nation to categorize all workers as either an “employee” or “independent contractor” according to guidance issued from the U.S. Department of Labor, the U.S. Internal Revenue Service and according to the Fair Labor Standards Act.
- ♦ Clarify the approval requirements for an independent contractor, including the contract, purchase order, vendor license, and tax identification number.
- ♦ Clarify “conflict of interest.” It will no longer be a conflict of interest for the Nation to hire an employee as an independent contractor if it is within a different division than the division in which the employee works, even if the work the employee would be providing as an independent contractor is substantially similar to the work they do as an employee.

Individuals may attend the public meeting for the proposed Independent Contractors law amendments 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.

PUBLIC COMMENT PERIOD CLOSES WEDNESDAY, OCTOBER 22, 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 Independent Contractor law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).



INDEPENDENT CONTRACTORS LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> ▪ Rename the law from “Independent Contractor Policy” to “Independent Contractors.” [5 O.C. 503]. ▪ Clarify the purpose of this law is to require the Nation to properly classify its workers for compliance with tax regulations. [5 O.C. 503.1-1]. ▪ Clarify in the definitions what it means to be an “employee” versus an “independent contractor.” [5 O.C. 503.3-1(b); 503.3-1(d)]. ▪ Clarify in the definitions what it means to have the “scope of work,” including updated definitions of “deliverables” and “services.” [5 O.C. 503.3-1(f); 5 O.C. 503.3-1(a); 5 O.C. 503.3-1(g)]. ▪ Add in a requirement that the Nation must categorize all workers as either an employee or independent contractor according to guidance issued from the U.S Department of Labor, the U.S Internal Revenue Service and according to the Fair Labor Standards Act. [5 O.C. 503.4]. ▪ Clarify the approval requirements for an independent contractor; including, contract, purchase order, vendor license, and tax identification number. [5 O.C. 503.6]. ▪ Clarify what constitutes a conflict of interest. It will not be a conflict of interest for the Nation to hire an employee as an independent contractor if it is within a different division than the division in which the employee works, even if the work the employee would be providing as an independent contractor is substantially similar to the work they do as an employee. [5 O.C. 503.7]. ▪ Various grammatical changes and other minor changes throughout the law.
Purpose	The purpose of this law is to require proper worker classification to ensure the Nation’s compliance with tax regulations. [5 O.C. 503.1-1].
Affected Entities	The Nation’s Finance Department, Purchasing Department, Licensing Department, Risk Management Department, Oneida Law Office, all Oneida Nation employees, and all current and future independent contractors for the Nation.
Related Legislation	Oneida Vendor Licensing law, Conflict of Interest, Indian Preference in Contracting law, Fair Labor Standards Act.

Enforcement	The Independent Contractors law requires the Nation to classify all workers as either an employee or an independent contractor. [5 O.C. 503.4]. The law also requires the Oneida Law Office to review and approve the contract for services; making sure the Nation has not waived sovereign immunity, worker classification is correct, and the contract sufficiently protects the Nation, and describes the scope of work. [5 O.C. 503.5-3]. The law further specifies the approval requirements for any independent contractor. [5 O.C. 503.6].
Due Process	The Independent Contractors law requires the Oneida Law Office, the Oneida Purchasing Department, and the Oneida Risk Management Department to assist an independent contractor in executing a contract, obtaining a vendor license, if necessary, verifying insurance, and submitting appropriate tax information. [5 O.C. 503.6].
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Independent Contractor Policy was originally adopted by the Oneida Business Committee on July 27, 1994, by motion. The Oneida Business Committee adopted emergency amendments on February 15, 1995, through resolution BC-2-15-95-A; on July 5, 1995, through resolution BC-7-5-95-B; on April 25, 2012, through resolution BC-04-25-12-E and extended those emergency amendments on October 10, 2012, through resolution BC-10-10-12-B. The Oneida Business Committee adopted amendments on February 27, 2013, through resolution BC-02-27-13-A.
- B. **Request for Amendments.** This item was added to the Active Files List on June 19, 2024, at the request of RaLinda Ninham-Lamberies, the Nation’s Chief Financial Officer to ensure the Nation is adequately reporting to the U.S Internal Revenue Service any independent contractor relationships. The sponsor of the Independent Contractors law amendments is Councilman Jonas Hill.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments participated in the development of the amendments to this Law:
 - Finance Department;
 - Purchasing Department;
 - Licensing Department;
 - Risk Management Department; and
 - Oneida Law Office.
- The following laws and policies of the Nation were reviewed in the drafting of this analysis:

- Vendor Licensing law [5 O.C. 506];
- Indian Preference in Contracting law; [5 O.C 502]; and
- Conflict of Interest law [2 O.C 217].
- The following laws and policies of the United States were reviewed in the drafting of this analysis:
 - The Fair Labor Standards Act [29 U.S.C §201-219];
 - United States Department of Labor guidance, “Employee or Independent Contractor Classification Under the Fair Labor Standards Act” [29 C.F.R 795]; and
 - United States Internal Revenue Service guidance. [IRS, Independent contractor (self-employed) or employee? (June 20, 2025, 10:00 AM), <https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee>].

SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
 - On June 19, 2024, the Legislative Operating Committee added this Law to its Active Files List for amendments this legislative term an appointed Councilman Jonas Hill as the sponsor.
 - On August 6, 2025, the Legislative Operating Committee approved the draft of the Independent Contractor Policy amendments and directed that a legislative analysis be developed.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to this law:
 - September 16, 2024: LOC work meeting with the Finance Department, Indian Preference Department, Purchasing Department, and Licensing Department;
 - November 8, 2024: LOC work meeting with Finance Department and Purchasing Department;
 - January 23, 2025: LOC work meeting with Finance Department, Purchasing Department, and Licensing Department;
 - April 29, 2025: LOC work meeting with Finance Department, Indian Preference Department, Purchasing Department, and Licensing Department;
 - June 20, 2025: LOC work meeting with Finance Department, Indian Preference Department, Purchasing Department, and Licensing Department;
 - July 31, 2025: LOC work meeting with the Finance Department and Purchasing Department where the LOC informally approved the final draft.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Purpose of the Law.** The proposed amendments to the Law clarify it is the purpose of this law to require the Nation to properly classify its workers for compliance with tax regulations. [5 O.C. 503.1-1].
 - *Effect.* The proposed amendments clarify that the Nation will classify all workers as either employees or independent contractors for compliance with Federal law and tax regulations.
- B. **Redefining “employee” and “independent contractor” and clarifying “Worker Classification.”** The proposed amendments require the Nation to follow Federal law and guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service when classifying a worker as either an employee or an independent contractor. [5 O.C. 503.3-1(b); 503-1(d); 503.4].
 - *Effect.* The proposed amendments make clear that the Nation is required to follow Federal law and can use the most recent guidance from the U.S. Department of Labor and the U.S. Internal

- Revenue Service when classifying a worker as either an employee or an independent contractor. It is easier for the Nation to reference Federal law and guidance because it changes so often.
- C. **Clarifying the “Form of Contract.”** The proposed amendments clarify the requirements for the Nation to approve a contract with an independent contractor. The proposed amendments clarify that all contracts between the Nation and an independent contractor must meet the requirements of this law; which means all contracts: must not waive sovereign immunity; must accurately classify an independent contractor according to Federal law and Federal guidance; and must adequately protect the Nation’s assets. [5 O.C. 503.5].
- *Effect.* This proposed amendment clarifies that for an independent contractor to begin work for the Nation, the Nation and the independent contractor must execute a contract for services that meets the needs of Nation.
- D. **Redefining approval requirements.** The proposed amendments clarify the approval requirements between the Nation and an independent contractor. [5 O.C. 503.6].
- *Effect.* These proposed amendments clarify what is needed for the Nation to approve the work of an independent contractor; making it easier for the Nation and all independent contractors to identify what is needed.
- E. **Clarifying Conflict of Interest.** The proposed amendments clarify that even if the scope of work an independent contractor would provide is related to the work that the independent contract performs for the Nation as an employee, the Nation can still hire that employee as an independent contractor in a different division than the division in which that independent contractor works as an employee. [5 O.C. 503.7].
- *Effect.* This proposed amendment allows the Nation to contract with employees but still protects the Nation by requiring any employee that may be hired as an independent contractor, be hired in a different division from the division where that independent contractor works as an employee.
- F. **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. **Related legislation.** The following laws and policy of the Nation are related to the proposed amendments to this law:
- *Vendor Licensing.* The Vendor Licensing law is currently being amended by the Legislative Operating Committee. One proposed amendment is to change the purpose of the Vendor Licensing law. Currently, “[t]he purpose of the Vendor Licensing law is to regulate and license all vendors who provide a service for and do business with the Oneida Nation and provide revenue for the Nation by collecting fees from vendors for a license to perform a service for or do business with the Nation.” [5 O.C. 506.1-1]. The proposed amendments make the purpose of the Vendor Licensing law to regulate and license vendors who provide deliverables or services for and do business with the Oneida Nation and ensure the Nation’s safety, regulate compliance, minimize risk, and protect the Nation’s assets. [5 O.C. 506.1-1].
 - According to the Vendor Licensing law, any vendor that is not exempt from obtaining a vendor license must follow certain procedures. [5 O.C 506.5].

- 106 ▪ To obtain a new vendor license a vendor must demonstrate adequate insurance
107 coverage, must complete a Cyber Security Risk Assessment and Technology
108 Assessment. [5 O.C 506.5-2; 5 O.C 506.5-3].
- 109 ▪ The proposed amendments to the Vendor Licensing law would no longer require
110 a vendor to pay a licensing fee. Currently, the law requires a fee for new vendor
111 license applications and renewal applications. [5 O.C 506.6].
- 112 ▪ The proposed amendments to the Independent Contractors law align with the
113 proposed amendments and the current version of the Vendor Licensing law by
114 incorporating the requirements of obtaining a vendor license into the requirements
115 of being contracted as an independent contractor for the Nation. [5 O.C 503.6].
- 116 ▪ *Indian Preference in Contracting.* The purpose of this law is to establish an Indian Preference
117 Office and increase economic benefits for the Nation and members of the Nation by providing
118 for the maximum utilization of Indian workers and businesses on projects of the Nation which
119 occur on or near the Reservation. [5 O.C. 502.1].
 - 120 ▪ This law expects the Nation to apply Indian preference fairly in all situations and
121 to ensure that all entities that execute contracts with the Nation utilize a labor force
122 of Indian workers and businesses. [5 O.C 502.1-2].
 - 123 ▪ The proposed amendments to the Independent Contractor Policy align with the
124 Indian Preference in Contracting law by still allowing the Nation to utilize Indian
125 preference in contracting but clarifying that even if there is only one independent
126 contractor available and even if that independent contractor qualifies for Indian
127 preference, the Nation still may not hire that independent contractor to perform the
128 same work in the same division in which that independent contractor already works
129 for the Nation as an employee. [5 O.C. 503.7-1(b)(2)].
- 130 ▪ *Conflict of Interest.* The Conflict of Interest law is currently being amended by the
131 Legislative Operating Committee. Currently, “[t]he purpose of this law is for the Nation to
132 ensure that all employees, contractors, elected officials, political appointees, appointed and
133 elected members and all others who may have access to information or materials that are
134 confidential or may be used by competitors of the Nation’s enterprises or interests be subject
135 to specific limitations to which such information and materials may be used in order to
136 protect the interests of the Nation.” [2 O.C. 217.1-1]. The proposed amendments clarify who
137 this law applies to and makes the purpose of the Conflict of Interest law to “ensure that all
138 employees or contractors who have access to information or materials that are confidential or
139 may be used by competitors of the Nation’s enterprises or interests be subject to specific
140 limitations to which such information and materials may be used in order to protect the
141 interests of the Nation.” [2 O.C. 217.1-1].
 - 142 ▪ According to the Conflict of Interest law there is a presumed conflict of interest
143 any time an employee of the Nation seeks to contract with the Nation. [2 O.C.
144 217.5-1].
 - 145 ▪ The Conflict of Interest law prohibits an employee from contracting with the
146 Nation as an independent contractor within the same scope for which they are
147 employed by the Nation. [2 O.C. 217.5-4(a)].

- The Conflict of Interest law further prohibits an employee from contracting with the Nation as an independent contractor within the same divisional budget for which the employee is employed by the Nation. [2 O.C. 217.5-4(b)].
- However, the Legislative Operating Committee is currently amending the Conflict of Interest law to remove this prohibition and allow the Nation to hire employees as independent contractors within the same scope for which they are employed as an employee but only if it is within a different division. [2 O.C. 217.5-4(a)].
- The proposed amendments to the Independent Contractors law align with the proposed amendments to the Conflict of Interest law and reflect the Nation’s desire to allow employees to work for the Nation as independent contractors while still protecting the Nation and avoiding conflicts of interest. [2 O.C. 217.5-4(a); 217.5-4(b)].

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The proposed amendments make it clearer the Nation is responsible for properly classifying its workers and what Federal guidance the Nation should follow to properly classify its workers. [5 O.C. 503.4].
- B. The proposed amendments clarify all information the Nation must obtain in order to properly contract with an independent contractor. [5 O.C. 503.6].
- C. The proposed amendments require the Nation to properly classify a worker as an independent contractor, properly execute a contract for scope of work, and meet all approval requirements before an independent begins working for the Nation. [5 O. C. 503.5; 503.5-6].
- D. The proposed amendments, in conjunction with the proposed amendments to the Conflict of Interest law, clarify that there will be no conflict of interest for the Nation to hire an employee as an independent contractor in a different division from the division in which the employee works, even if the contracted scope of work is similar to the work the employee does for the Nation. [5 O.C. 503.7-1(b)(2)].

SECTION 8. OTHER CONSIDERATIONS

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 to 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 has not yet directed that a fiscal impact be completed.

Title 5. Business – Chapter 503- INDEPENDENT ~~CONTRACTOR POLICY~~ CONTRACTORS

503.1. Purpose and Policy
503.2. Adoption, Amendment, Repeal
503.3. Definitions
~~503.4. Application~~

503.~~45~~. Worker Classification
503.~~56~~ Form of Contract
503.~~67~~ Approval Requirements
503.7 Conflict of Interest

503.1. Purpose and Policy

503.1-1. *Purpose.* The purpose of this ~~Independent Contractor Policy~~law is to require proper worker classification to ensure the Nation's compliance with tax regulations. ~~regulate the hiring of persons to complete work in order to minimize the costs of Independent Contractors.~~

503.1-2. *Policy.*

(a) It is the policy of the ~~Tribe~~Nation to utilize Native American businesses to complete work that the ~~Tribe~~Nation is unable to complete through use of its own employees. All programs, enterprises, and government agencies are encouraged to seek within their own employees those with expertise in any matter before going to independent contractors.

(b) It is further the policy of the ~~Tribe~~Nation that the order of preference, as set out in the ~~Tribe's~~Nation's Indian Preference Law, be used in the selection of independent contractors and in accordance with this law.

503.2. Adoption, Amendment, Repeal

503.2-1. This ~~policy~~law was adopted by ~~motion of~~ the Oneida Business Committee by motion on July 27, 1994, and ~~was~~ amended by resolution BC-02-27-13-A.

503.2-2. This ~~policy~~law may be amended ~~pursuant to the procedures set out in Tribal law or repealed~~ by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

503.2-3. Should a provision of this ~~policy~~law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~policy~~law which are considered to have legal force without the invalid portions.

503.2-4. In the event of a conflict between a provision of this ~~policy~~law and a provision of another ~~policy~~law, the provisions of this ~~policy~~law shall control.

503.2-5. This ~~policy~~law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin~~Nation.

503.3. Definitions

503.3-1. 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) “Deliverable” means quantifiable goods and tangible or intangible products to be provided upon the completion of a project. ~~an object with specified content and format and must be adequately described as to final content.~~

(b) “Employee” means any individual who would qualify as an ‘employee’ of the Nation according to the Fair Labor Standards Act and the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service. ~~is employed by the Tribe and is subject to the direction and control of the Tribe with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship.~~ “Employee” includes;

~~but is not limited to, individuals employed by any program or enterprise of the Tribe, but~~
does not include elected or appointed officials ~~or individuals employed by a Tribally~~
~~Chartered Corporation~~. For purposes of this ~~policy law~~, individuals employed under an
employment contract as a limited term employee are employees of the ~~Tribe~~ Nation, not
consulted ~~independent contractors.~~~~ants.~~

(c) “Employee-owned business entity” means a ~~for-profit~~ business which is majority
owned and managed by an individual who is employed as an employee by the ~~Tribe.~~
Nation. ~~An e~~Employee-owned business entity includes, but is not limited to, a partnership,
corporation, or limited liability company.

(d) “Independent contractor” means an individual who would qualify as an ‘independent
contractor’ for the Nation according to the Fair Labor Standards Act and the most current
guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service.
~~receives payments for services or deliverables, and who receives any tax reporting form~~
~~other than a W-2 at the end of a taxable year.~~

(e) “Nation” means the Oneida Nation.

(f) “Scope of work” means the total deliverables or services to be performed by an
independent contractor upon completion of the work the independent contractor was hired
to complete.

(g) “Service” means an action performed by an independent contractor and must be
adequately described as to the actions that will be taken and the final result of those actions
taken. ~~(f) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.~~

503.4 Worker Classification

503.4-1. The Nation must classify a worker as either an employee or an independent contractor
according to the Fair Labor Standards Act and should use the most current guidance issued from
the U.S. Department of Labor and the U.S. Internal Revenue Service.

503.56. Form of Contract

503.56-1. All contracts with the ~~Tribe~~Nation shall be in a the format approved by the Oneida Law
Office. All departments, programs, enterprises, and other agencies of the ~~Tribe~~Nation shall use
Oneida Law Office-approved contracts.

503.56-2. All contracts shall be reviewed and approved by the Oneida Law Office and the Oneida
Purchasing Department. An approved purchase order is required prior to execution of a contract.
~~before being executed.~~

503.56-3. At a minimum, the Oneida Law Office ~~review~~ shall verify ~~consist of the following:~~ (a)
~~verification that:~~

(a) sovereign immunity has not been waived;

~~verification that Independent Contractor~~

(b) worker classification, according to the most recent guidance from the U.S Department
of Labor and the U.S. Internal Revenue Service, is accurate; and ~~status has not been~~
~~violated; and verification that~~

(c) the content of the contract meets the legal needs for the protection of ~~Tribal~~the Nation’s
assets; and adequately ~~describ~~es ~~the scope of work,~~ payment, and other
similar items.

503.6.7. Approval Requirements

503.6-1. *Contract*. The Oneida Law Office and the Oneida Purchasing Department must review and approve a contract according to the requirements of section 503.5 of this law.

503.6-2. *Purchase Order*. The Oneida Purchasing Department issues a purchase order based on the approved contract in accordance with the Oneida Nation procurement sign-off authority.

503.6-3. *Vendor License*. Unless an independent contractor is exempted from the requirements of obtaining a vendor license, the independent contractor will be issued a vendor license, subject to any other requirements of the Nation's Vendor Licensing law.

503.6-4. *Insurance*. Before the independent contractor performs any work, the independent contractor must demonstrate proof of appropriate and adequate insurance coverage.

(a) What constitutes appropriate and adequate insurance coverage will be determined by the Nation's Risk Management Department and will be based upon the scope of work.

503.6-5. *Tax Identification*. Before an independent contractor begins work, they are required to submit tax identification information to the Nation through one of following:

(a) Employer Identification Number.

(b) Social Security Number. If an independent contractor operates a sole proprietorship, their default tax identification number may be their social security number.

(c) Taxpayer Identification Number. If an independent contractor operates a sole proprietorship and is not eligible for a social security number.

503.6-6. *Release of liability*. An independent contractor may not begin work until a contract is executed according to the requirements of section 503.5 of this law and all other approval requirements of section 503.6 are met. If an independent contractor begins work before the requirements of section 503.5 and 503.6 are met, the Nation is released of potential liability.

503.7. Conflict of Interest

503.7-1. The ~~Tribe~~Nation may ~~hire an individual who is also~~contract with an employee or an employee-owned business entity ~~of the Tribe~~ as an independent contractor, if:

(a) all requirements of section 503.6 of this law are met;

(b) the work ~~services~~ performed by the individual as an employee ~~of the Tribe are not related to the services~~ is not related to the scope of work to be provided ~~by the individual~~ as an independent contractor;

(1) even if the employee qualifies for Indian preference as an independent contractor; and even if the employee were the only independent contractor who would qualify for Indian preference, this requirement still applies;

(2) if the work performed by the employee does relate to the scope of work the employee or the employee-owned business entity would provide the Nation as an independent contractor, the Nation may still contract with that employee or employee-owned business entity as long as the Nation contracts with that employee or employee-owned business entity as an independent contractor in a different division than the division in which the employee works;

(c) there is no relation between the wages paid to the individual as an employee ~~of the Tribe~~ and the compensation received by the individual for the ~~scope of work services~~ to be provided as an independent contractor;

(d) the individual is engaged in an independent trade, business, or profession that is traditionally pursued by an independent contractor, ~~and the scope of work services~~ to be provided by the individual as an independent contractor relates to such trade, business, or

profession, and the Nation has no significant investment in that business entity; and ~~(d) the individual offers services as an Independent Contractor in such trade, business or profession to the general public.~~

(e) the individual offers services or deliverables as an independent contractor in such trade, business, or profession to the public.

~~503.7 6. The Tribe may engage an employee-owned business entity as an independent contractor if the following conditions are met:~~

~~(a) the employee-owned business entity has a valid Tax Identification Number which is different than the employee's Social Security number.~~

~~(b) the Tribe has no right to direct or control the employees of the employee-owned business entity; and~~

~~(c) all payments for independent contractor services are made directly to the employee-owned business entity, not to an individual.~~

End.

Adopted - 7-27-94, motion

Adopted - BC-2-15-95-A, Emergency Action [Article VII \(503.7-\)](#)

Adopted - BC-7-5-95-B, Emergency Action [Article VII \(503.7-\)](#)

Emergency Amended – BC-04-25-12-E-

Emergency Extension Amended – BC-10-10-12-B-

Amended – BC-02-27-13-A

PM Draft
2025 09 03

Title 5. Business – Chapter 503 INDEPENDENT CONTRACTORS

503.1. Purpose and Policy
503.2. Adoption, Amendment, Repeal
503.3. Definitions
503.4. Worker Classification

503.5 Form of Contract
503.6 Approval Requirements
503.7 Conflict of Interest

503.1. Purpose and Policy

503.1-1. *Purpose*. The purpose of this law is to require proper worker classification to ensure the Nation's compliance with tax regulations.

503.1-2. *Policy*.

(a) It is the policy of the Nation to utilize Native American businesses to complete work that the Nation is unable to complete through use of its own employees. All programs, enterprises, and government agencies are encouraged to seek within their own employees those with expertise in any matter before going to independent contractors.

(b) It is further the policy of the Nation that the order of preference, as set out in the Nation's Indian Preference Law, be used in the selection of independent contractors and in accordance with this law.

503.2. Adoption, Amendment, Repeal

503.2-1. This law was adopted by the Oneida Business Committee by motion on July 27, 1994, and amended by resolution BC-02-27-13-A.

503.2-2. 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.

503.2-3. 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.

503.2-4. 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.

503.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

503.3. Definitions

503.3-1. 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) "Deliverable" means quantifiable goods and tangible or intangible products to be provided upon the completion of a project.

(b) "Employee" means any individual who would qualify as an 'employee' of the Nation according to the Fair Labor Standards Act and the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service. "Employee" does not include elected or appointed officials. For purposes of this law, individuals employed under an employment contract as a limited term employee are employees of the Nation, not consulted independent contractors.

(c) "Employee-owned business entity" means a business which is majority owned and managed by an individual who is employed as an employee by the Nation. An employee-owned business entity includes, but is not limited to, a partnership, corporation, or limited liability company.

PM Draft
2025 09 03

(d) “Independent contractor” means an individual who would qualify as an ‘independent contractor’ for the Nation according to the Fair Labor Standards Act and the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service.

(e) “Nation” means the Oneida Nation.

(f) “Scope of work” means the total deliverables or services to be performed by an independent contractor upon completion of the work the independent contractor was hired to complete.

(g) “Service” means an action performed by an independent contractor and must be adequately described as to the actions that will be taken and the final result of those actions.

503.4 Worker Classification

503.4-1. The Nation must classify a worker as either an employee or an independent contractor according to the Fair Labor Standards Act and should use the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service.

503.5. Form of Contract

503.5-1. All contracts with the Nation shall be in a format approved by the Oneida Law Office. All departments, programs, enterprises, and other agencies of the Nation shall use Oneida Law Office-approved contracts.

503.5-2. All contracts shall be reviewed and approved by the Oneida Law Office and the Oneida Purchasing Department. An approved purchase order is required prior to execution of a contract.

503.5-3. At a minimum, the Oneida Law Office shall verify:

(a) sovereign immunity has not been waived;

(b) worker classification, according to the most recent guidance from the U.S Department of Labor and the U.S. Internal Revenue Service, is accurate; and

(c) the content of the contract meets the legal needs for the protection of the Nation’s assets and adequately describes the scope of work, payment, and other similar items.

503.6. Approval Requirements

503.6-1. *Contract*. The Oneida Law Office and the Oneida Purchasing Department must review and approve a contract according to the requirements of section 503.5 of this law.

503.6-2. *Purchase Order*. The Oneida Purchasing Department issues a purchase order based on the approved contract in accordance with the Oneida Nation procurement sign-off authority.

503.6-3. *Vendor License*. Unless an independent contractor is exempted from the requirements of obtaining a vendor license, the independent contractor will be issued a vendor license, subject to any other requirements of the Nation’s Vendor Licensing law.

503.6-4. *Insurance*. Before the independent contractor performs any work, the independent contractor must demonstrate proof of appropriate and adequate insurance coverage.

(a) What constitutes appropriate and adequate insurance coverage will be determined by the Nation’s Risk Management Department and will be based upon the scope of work.

503.6-5. *Tax Identification*. Before an independent contractor begins work, they are required to submit tax identification information to the Nation through one of following:

(a) Employer Identification Number.

(b) Social Security Number. If an independent contractor operates a sole proprietorship, their default tax identification number may be their social security number.

PM Draft
2025 09 03

(c) Taxpayer Identification Number. If an independent contractor operates a sole proprietorship and is not eligible for a social security number.

503.6-6. *Release of liability*. An independent contractor may not begin work until a contract is executed according to the requirements of section 503.5 of this law and all other approval requirements of section 503.6 are met. If an independent contractor begins work before the requirements of section 503.5 and 503.6 are met, the Nation is released of potential liability.

503.7. Conflict of Interest

503.7-1. The Nation may contract with an employee or an employee-owned business entity as an independent contractor if

- (a) all requirements of section 503.6 of this law are met;
- (b) the work performed by the individual as an employee is not related to the scope of work to be provided as an independent contractor;
 - (1) even if the employee qualifies for Indian preference as an independent contractor; and even if the employee were the only independent contractor who would qualify for Indian preference, this requirement still applies;
 - (2) if the work performed by the employee does relate to the scope of work the employee or the employee-owned business entity would provide the Nation as an independent contractor, the Nation may still contract with that employee or employee-owned business entity as long as the Nation contracts with that employee or employee-owned business entity as an independent contractor in a different division than the division in which the employee works;
- (c) there is no relation between the wages paid to the individual as an employee and the compensation received by the individual for the scope of work to be provided as an independent contractor;
- (d) the individual is engaged in an independent trade, business, or profession that is traditionally pursued by an independent contractor, the scope of work to be provided by the individual as an independent contractor relates to such trade, business, or profession, and the Nation has no significant investment in that business entity; and
- (e) the individual offers services or deliverables as an independent contractor in such trade, business, or profession to the public.

End.

Adopted - 7-27-94, motion
Adopted - BC-2-15-95-A, Emergency Action Article VII (503.7)
Adopted - BC-7-5-95-B, Emergency Action Article VII (503.7)
Emergency Amended – BC-04-25-12-E
Emergency Extension Amended – BC-10-10-12-B
Amended – BC-02-27-13-A



Legislative Operating Committee September 3, 2025

Workplace Violence

Submission Date: 2/6/19	Public Meeting: N/A
LOC Sponsor: Jennifer Webster	Emergency Enacted: 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 not 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.

- 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.
- 5/7/25 LOC:** Motion by Jennifer Webster to approve the draft of proposed amendments to the Workplace Violence Law and direct that a legislative analysis be completed; seconded by Marlon Skenandore. Motion carried unanimously.
- 5/21/25 LOC:** Motion by Jennifer Webster to accept the updated draft and legislative analysis and defer to a work meeting to address the potential conflict before a public meeting is held; seconded by Kirby Metoxen. Motion carried unanimously.
- 7/25/25:** *Work Meeting.* Present: Rita Reiter, Whitney Wheelock, Marlon Skenandore, Fawn Billie, Kristal Hill, Carolyn Salutz. The purpose of this work meeting is to discuss the discrepancy between the proposed amendments and the Oneida Nation Personnel Policies and Procedures; where the proposed amendments require all complaints and investigations of alleged workplace violence be made to and handled by the Equal Employment Opportunity Department but the Personnel Policies and Procedures require all complaints and investigations, except sexual harassment, be made to and handled by the employee's immediate supervisor. The work group agreed that they like the proposed amendments, and the Equal Employment Opportunity department is best suited to manage complaints and investigations. Work group suggested adding in the ability to appeal; and look at Section VI Health and Safety of Personnel Policies and Procedures – it may be what would allow this law to supersede.
- 8/6/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster. The purpose of this work session is to review the changes made to the draft after meeting with EEO/HRD on 7/25/25. It is likely all changes align the amendments with the Oneida Personnel Policies and Procedures and there is no longer a conflict between the two. The LOC informally approved the changes and approved the draft to continue through the legislative process.
- 8/20/25 LOC:** Motion by Kirby Metoxen to approve the updated draft, approve the legislative analysis, and direct the Legislative Reference Office to schedule a public meeting; seconded by Marlon Skenandore. Motion carried unanimously.

Next Steps:

- Accept the public meeting packet and schedule and hold a public meeting on October 15, 2025.

ONEIDA NATION PUBLIC MEETING NOTICE**WEDNESDAY, OCTOBER 15, 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](https://oneida-nsn.gov/government/register/public%20meetings)

**Send Public Comments to**

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

WORKPLACE VIOLENCE LAW AMENDMENTS

The purpose of the Workplace Violence law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence.

The Workplace Violence law amendments will:

- ◆ Clarify this law applies to all employees, during or outside of any employee's normal work hours and as long as the alleged incident of workplace violence occurs in a setting reasonable connected to the workplace.
- ◆ Clarify what constitutes "prohibited behaviors" and the exceptions to prohibited behaviors.
- ◆ Require that all complaints and investigations of alleged workplace violence be directed to and handled by the Equal Employment Opportunity Department ("EEO Department") within the Oneida Nation Human Resources Department ("HRD").
- ◆ Clarify the responsibilities of the EEO Department. The EEO Department will be responsible for assigning an EEO Officer who will investigate the complaint and be responsible for determining the final decision along with the Nation's Human Resources Executive Director and the employee's supervisor.
- ◆ Clarify that even though the EEO Officer will be primarily responsible for investigating the allegation, the EEO Officer is required to inform the employee's supervisor of any complaint and any pending investigation and notify the employee's supervisor they are able, at anytime, to participate in the investigation.
- ◆ Clarify that there will be a "final decision" which is 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.
- ◆ Clarify that verbal complaints are acceptable but whichever department, EEO or HRD, receives a verbal complaint should direct that employee to submit a written complaint to the EEO Department.
- ◆ Clarify the reporting of restraining orders and injunctions – when reporting is mandatory and when it is discretionary.
- ◆ Clarify employment eligibility for employees who resign during a workplace violence investigation or are terminated as a result of a workplace violence investigation.

Individuals may attend the public meeting for the proposed Workplace Violence law amendments 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.

PUBLIC COMMENT PERIOD CLOSES WEDNESDAY, OCTOBER 22, 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 Workplace Violence law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).



WORKPLACE VIOLENCE LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> Clarify that this law applies to all employees, during or outside of any employee's normal work hours and as long as the alleged incident of workplace violence occurs in a setting reasonable connected to the workplace. Clarify what constitutes "prohibited behaviors." Clarify exceptions to "prohibited behaviors." Require that all complaints and investigations of alleged workplace violence be directed to and handled by the Equal Employment Opportunity Department ("EEO") within the Oneida Nation Human Resources Department ("HRD"). Clarify that there will be a "final decision" which is 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. Clarify the responsibilities of the EEO Department. The EEO Department will be responsible for assigning an EEO Officer who will investigate the complaint and be responsible for determining the final decision along with the Nation's Human Resources Executive Director and the employee's supervisor. Clarify that the EEO Department and the Nation's Human Resources Department are responsible for communicating and sharing information with each other to ensure all complaints and investigations are properly and timely handled. Clarify that verbal complaints are acceptable but whichever department receives the verbal complaint should direct that employee to submit a written complaint to the EEO Department. Clarify the reporting of restraining orders and injunctions – when reporting is mandatory and when it is discretionary. Clarify employment eligibility for employees who resign during a workplace violence investigation or are terminated as a result of a workplace violence investigation. Various grammatical changes and other minor changes throughout the law.
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. [2 O.C. 223.1-1].

Affected Entities	The Nation's Human Resources Department, the Nation's Equal Employment Opportunity Office, the Oneida Law Office, and all Oneida Nation employees and visitors.
Related Legislation	Investigative Leave law, Code of Ethics, Anonymous Letters Policy, Pardon and Forgiveness law, and Public Peace law
Enforcement	<p>The Workplace Violence law directs the EEO department, specifically the designated EEO Officer, to investigate all allegations of workplace violence. [2 <i>O.C. 223.6-1</i>]. The EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor are responsible for determining the final decision, which is the ultimate conclusion of the investigation and the decision to take disciplinary actions, if any. [2 <i>O.C.223.9-8</i>]. The EEO Officer may place an employee alleged to be involved in an incident of workplace violence on investigative leave pursuant to the Nation's law and policies governing investigative leave. [2 <i>O.C. 223.9-7</i>].</p> <p>Any employee who violates the Workplace Violence law may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination. [2 <i>O.C 223.13</i>].</p>
Due Process	<p>The Workplace Violence law directs the EEO Officer to promptly conduct a thorough investigation into allegations of workplace violence. [2 <i>O.C. 223.9-3</i>]. The law requires that when the EEO Department receives an allegation of workplace violence and assigns an EEO Officer to investigate, the assigned EEO Officer is required to notify the employee's immediate supervisor, so the immediate supervisor is aware that:</p> <ul style="list-style-type: none"> ▪ the EEO Officer will be investigating the employee; ▪ the EEO Officer may place the employee on investigative leave; and ▪ they will be responsible, along with the EEO Officer and the Nation's Human Resources Executive Director for determining and implementing the final decision. [2 <i>O.C. 223.9-2</i>]. <p>The law requires the EEO Officer to conclude the investigation when they obtain enough verifiable facts and information regarding the incident under investigation to make a safe and equitable final decision. [2 <i>O.C. 223.9-5</i>]. The EEO Officer may to share the investigative file with the employee's supervisor and the Nation's Human Resources Executive Director, three days before they meet to determine the final decision. [2 <i>O.C. 223.9-8(c)</i>]. The EEO Officer is required to meet with the Nation's Human Resources Executive Director and the employee's supervisor to mutually determine a final decision. [2 <i>O.C. 223.9-8</i>].</p> <p>The employee may be eligible for rehiring consideration with the Nation if they receive a pardon from the Nation's Pardon and Forgiveness Committee. [2 <i>O.C. 223.10</i>]. Any employee who resigns while an investigation of workplace violence</p>

	<p>is pending or who is terminated as a result of the findings of a workplace violence investigation is eligible to re-apply for employment with the Nation, but only after a certain amount of time has passed and only if that employee receives a pardon from the Nation’s Pardon and Forgiveness Committee. [2 O.C. 223.10-1; 2 O.C. 223.10-2].</p> <p>If an employee resigned while an investigation of workplace violence was pending and the results of the investigation determine that no incident of workplace violence occurred, the employee shall be immediately eligible for re-hiring. [2 O.C. 223.10-3].</p>
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Workplace Violence law was originally adopted by the Oneida Business Committee on June 28, 2017, through resolution BC-06-28-17-E. The Workplace Violence law provides mechanisms for ensuring the safety of all employees and visitors to the Nation’s workplaces by ensuring all allegations and subsequent investigations of alleged workplace violence are handled by the Equal Employment Opportunity Department of the Nation but that the Equal Employment Opportunity Department and the Nation’s Human Resources Department are responsible for sharing information with each other to ensure all complaints and investigations are properly and timely handled. [2 O.C. 223.6-5].
- B. **Request for Amendments.** This item was originally added to the Active Files List on February 6, 2019, at the request of the Nation’s Human Resources Department to address investigative enforcement and employee ineligibility. This item was readdded to the Active Files list on October 7, 2020. This item was added to the Active Files list for a third time on October 4, 2023. The sponsor of the Workplace Violence law amendments is Councilwoman Jennifer Webster.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
 - the Equal Employment Opportunity Department, (“EEO”);
 - the Nation’s Human Resources Department (“HRD”); and
 - Oneida Law Office;
- The following laws and policies of the Nation were reviewed in the drafting of this analysis:
 - Investigative Leave law [2 O.C. 208];
 - Whistleblower Protection law [2 O.C. 211];
 - Public Peace law [3 O.C. 309];
 - Anonymous Letter Policy [3 O.C. 307];
 - Pardon and Forgiveness law [1 O.C. 126]; and

- Oneida Personnel Policies and Procedures.

SECTION 4. PROCESS

A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.

- On October 4, 2023, the Legislative Operating Committee added this Law to its Active Files List for amendments this legislative term.
- On September 4, 2024, the Legislative Operating Committee accepted HRD's request to amend the Workplace Violence law as information since the law was already on the Active Files List for amendments to be made.
- On May 7, 2025, the Legislative Operating Committee approved the draft of the Workplace Violence law amendments and directed that a legislative analysis be developed.
- On May 21, 2025, the Legislative Operating Committee accepted an updated draft and legislative analysis and deferred the draft to another work meeting to address the conflicts between the proposed amendments and the Oneida Personnel Policies and Procedures.

B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to this law:

- August 29, 2021: LOC work meeting with EEO and HRD.
- September 7, 2022: LOC work session.
- September 21, 2022: LOC work session.
- January 6, 2023: LOC work meeting with EEO and HRD.
- January 31, 2023: LOC work meeting with EEO and HRD.
- July 29, 2024: LOC meeting with EEO and HRD.
- October 18, 2024: LOC work meeting with EEO, HRD, and the law office.
- January 13, 2025: LOC work meeting with HRD and the law office.
- February 14, 2025: LOC work meeting with EEO, HRD, and the law office.
- February 19, 2025: LOC work session.
- March 5, 2025: LOC work session.
- May 2, 2025: LOC work meeting with EEO and HRD where the LOC informally approved the final draft.
- July 25, 2025: LOC work meeting with EEO and HRD to discuss and resolve the discrepancies between the proposed amendments and the Oneida Personnel Policies and Procedures.
- August 6, 2025: LOC work session to discuss the proposed changes to the draft to align the proposed amendments with the Oneida Personnel Policies and Procedures. LOC approved the changes.

SECTION 5. CONTENTS OF THE LEGISLATION

A. *Application of the Law.* The proposed amendments to the Law expand its application to cover all incidents of workplace violence that occur in any of the Nation's workplaces whether the employee commits workplace violence during or outside of the employee's normal work hours and as long as the incident of workplace violence is reasonably connected to the workplace. [2 O.C. 223.4-1].

- *Effect.* The proposed amendments clarify that this Law covers all employees of the Nation, even if an incident occurs outside of normal work hours. The proposed amendments further clarify that a prohibited behavior can be considered workplace violence as long as the incident

- is reasonably connected to the workplace. This proposed amendment clarifies and expands the scope of this Law and extends the Nation’s jurisdiction and the Nation’s ability to protect its employees.
- B. Defining the “final decision.”** The proposed amendments require the EEO Officer, the Nation’s Human Resources Executive Director, and the employee’s supervisor to mutually determine a final decision. [2 O.C. 223.9-8].
- *Effect.* The proposed amendments make clear that there will be one (1), final decision regarding the alleged incident of workplace violence. That one (1), final decision will be mutually decided by the EEO Officer, Nation’s Human Resources Executive Director, and the employee’s supervisor. This ensures greater accountability for the Nation and ensures the process for deciding disciplinary measures is standardized.
- C. Expanding the definitions of “workplace” and “workplace violence.”** The proposed amendments clarify and expand the definitions of “workplace” and “workplace violence” to include any setting or circumstance, including traveling to or from a work-related event, and any setting or circumstance that is reasonably related to that employee’s employment with the Nation. [2 O.C. 223.3(n); 2 O.C. 223.3(o)].
- *Effect.* The proposed amendments to the definitions expand and clarify the application of this law, which expands the Nation’s ability to protect its employees.
- D. Redefining prohibited behaviors.** The proposed amendments clarify specific examples of behaviors that can constitute workplace violence. [2 O.C. 223.5]. Currently, prohibited behaviors do not include social media platforms and the proposed amendments also clarify what it can mean to “intentionally caus[e] physical injury” and redefining “horseplay” to mean “fighting or roughhousing that may be dangerous to others” and require “an established pattern of loud, disruptive, angry, or abusive language or behavior.” [2 O.C. 223.5-1].
- *Effect.* These proposed amendments clarify the types of behaviors the Nation will not tolerate from its employees and will make it easier for the Nation to identify and enforce.
- E. Redefining the exceptions to prohibited behaviors.** The law prohibits possessing, carrying, or using a weapon. [2 O.C. 223.5-1]. However, the law has identified three exceptions to the prohibition of possessing, carrying, or using a weapon. [2 O.C. 223.5-2]. The proposed amendments clarify the exception applies to any employee of the Nation who is required to possess, carry, or use a weapon as part of their official duties. [2 O.C. 223.5-2(a)]. The proposed amendments make an exception for any employee actively engaged in cultural activities or ceremonies. [2 O.C. 223.5-2(b)]. The proposed amendments also make an exception for any employee actively hunting, fishing, or trapping. [2 O.C. 223.5-2(c)]. The proposed amendments allow these three exceptions as long as the employee is required to possess, use, or carry a weapon as part of their employment with the Nation, as part of cultural activities or ceremonies in which they are actively participating, or if the employee is actively hunting, fishing, or trapping according to the Nation’s laws and rules on hunting, fishing, or trapping and the employee possess, uses, or carries the weapon within the normal scope of those activities. [2 O.C. 223.5-2].
- *Effect.* This proposed amendment allows the Nation to continue to prohibit an employee from possessing, carrying, or using a weapon but it allows the Nation to make an exception for specific jobs and job-related duties, cultural activities, and hunting, fishing, and trapping.
- F. Redefining the reporting, investigation, and disciplinary procedures.** The proposed amendments clarify the duties of the EEO Department in conducting the investigation into allegations of workplace

115 violence. [2 O.C. 223.9]. The proposed amendments clarify that when the EEO Department receives a
116 complaint of workplace violence, the EEO Department will delegate the responsibility to investigate to
117 one employee from within the EEO Department who will be known as the EEO Officer. [2 O.C. 223.9-
118 1]. The proposed amendments clarify that all reports of workplace violence must be given to the EEO
119 Department rather than the employee's supervisor. [2 O.C. 223.6-4]. The proposed amendments allow
120 the EEO Officer, instead of the employee's supervisor, to place the employee on investigative leave
121 pursuant to the Nation's Investigative Leave law, policies, and rules if the EEO Officer determines it
122 will be necessary. [2 O.C. 223.9-7]. The proposed amendments clarify that the EEO Department and
123 the Nation's Human Resources Department will communicate and share information with each other
124 to ensure all complaints and investigations are properly and timely handled. [2 O.C. 223.6-5]. The
125 proposed amendments clarify that the EEO Officer will conclude the investigation when they have
126 obtained enough verifiable facts and information to make a safe and equitable decision. [2 O.C. 223.9-
127 5]. The proposed amendments clarify the EEO Officer is responsible for meeting with the Nation's
128 Human Resources Executive Director and the employee's supervisor to mutually determine a final
129 decision. [2 O.C. 223.9-8]. The final decision shall be in writing, contain justification, and be signed
130 by the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor.
131 [2 O.C. 223.9-8(a)]. The EEO Department is responsible for keeping record of all supporting
132 documentation included in the investigative file. [2 O.C. 223.9-8(b)]. The EEO Officer should share
133 the investigative file with the Nation's Human Resources Executive Director and the employee's
134 supervisor three business days before they meet to determine the final decision. [2 O.C. 223.9-8(c)].

- 135 ▪ *Effect.* The proposed amendments simplify the process for the Nation and its employees to
136 report an incident of workplace violence and then to have that incident be investigated and
137 managed by standardizing the requirement that all complaints and investigations are handled
138 by the EEO Department, specifically the EEO Officer. The proposed amendments also make
139 determining any disciplinary procedures, if any, more equitable by requiring the EEO Officer,
140 the Nation's Human Resources Executive Director, and the employee's supervisor to meet and
141 mutually determine disciplinary procedures, if any, and requiring the EEO Officer to share the
142 investigative file with the Nation's Human Resources Executive Director and the employee's
143 supervisor before they meet to determine the final decision.

144 **G. Redefining employment eligibility.** The proposed amendments clarify that if an employee resigns
145 during a workplace violence investigation that employee is not eligible for rehiring consideration with
146 the Nation. [2 O.C. 223.10-1]. That employee may be eligible for rehiring consideration, in a different
147 position, three (3) years from the date of resigning, if that employee receives a pardon from the Nation's
148 Pardon and Forgiveness Committee. [2 O.C. 223.10-1]. The proposed amendments clarify that if an
149 employee is terminated as the result of a workplace violence investigation, that employee is not eligible
150 for rehiring consideration with the Nation but may be eligible for rehiring consideration, in a different
151 position, five (5) years after the date of termination if that employee receives a pardon from the Nation's
152 Pardon and Forgiveness Committee [2 O.C. 223.10-2]. The proposed amendments clarify that if an
153 employee resigns during a workplace violence investigation but upon concluding the investigation, the
154 EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor
155 mutually determine that no incident of workplace violence occurred, that employee will be immediately
156 eligible for rehiring consideration. [2 O.C. 223.10-3].

- 157 ▪ *Effect.* The proposed amendments allow the Nation to further ensure the safety of its employees
158 by making certain employees ineligible for employment with the Nation and requiring any

employee subject to this law to receive a pardon from the Nation's Pardon and Forgiveness Committee before that employee may work for the Nation, even in a different position.

H. *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. *Related legislation.* The following laws and policy of the Nation are related to the proposed amendments to this law:

- *Investigative Leave Law.* The purpose of the Investigative Leave law is to set forth a process to address investigative leave for employees undergoing work-related investigations. [2 O.C. 208.1-1]. The law's underlying policy is to conduct objective, confidential investigations into alleged employee misconduct. [2 O.C. 208.1-2].
 - According to the Investigative Leave law, the Nation may place an employee on investigative leave when a situation requires an investigation and one of the following occurs:
 - The nature and severity of the alleged violation or alleged illegal activity is significant and can include workplace violence, sexual harassment, theft, arson, bribery, or perjury, or obstruction or interference with an investigation authorized by the Nation. [2 O.C. 208.4-1(a)].
 - The employee's presence in the workplace may result in the destruction of evidence relevant to the investigation, loss or damage to property of the Nation, or otherwise damage a legitimate interest of the Nation. [2 O.C. 208.4-1(b)].
 - The employee's presence in the workplace may pose an unacceptable risk to the life, safety, health, or personal property of other employees, contractors, vendors or visitors. [2 O.C. 208.4-1(c)].
 - The employee allegedly commits an act which would preclude the employee from meeting employment eligibility. [2 O.C. 208.4-1(d)].
 - The law defines workplace to mean any location owned and operated by the Nation, any location where employees are staffing an event sponsored by the Nation, and any location where an employee represents the Nation, including over-the-road travel in vehicles owned or rented by the Nation and any circumstances where an employee is being reimbursed for expenses. [2 O.C. 208.3].
 - The law does not define workplace violence but does identify workplace violence as one reason to place an employee on investigative leave. [2 O.C. 208.4-1(a)].
 - The proposed amendments align with the Investigative Leave law by requiring the EEO Officer to defer to the procedures of investigative leave if the EEO Officer determines investigative leave is necessary. [2 O.C. 223.9-7]. The EEO Officer is responsible for investigating allegations of workplace violence pursuant to the procedures required in the Workplace Violence law; however, the EEO Officer may place an employee on investigative leave pursuant to the Nation's Investigative Leave law.

- 201 ▪ *Code of Ethics.* The purpose of this law is to promote the highest ethical conduct in all of its
202 elected and appointed officials and employees. [1 O.C. 103.1].
 - 203 ▪ This law expects an employee to report any violation of the Code of Ethics, as well
204 as any other dishonest or illegal acts of which they become aware in the workplace.
205 [1 O.C. 103.5-3(c)(1)].
 - 206 ▪ This law also protects any employees who, in good faith, makes reports of any
207 dishonest or illegal act in the workplace. [1 O.C. 103.5-3(c)(1)].
 - 208 ▪ This law also prohibits fighting on the job or premises and possession of
209 unauthorized firearms. [1 O.C. 103.5-3(c)(4)].
 - 210 ▪ The proposed amendments align with the Code of Ethics law which expects an
211 employee to report any violation of the Code of Ethics, as well as any other
212 dishonest or illegal acts of which they become aware in the workplace, which
213 would include instances of workplace violence. [1 O.C. 103.5-3(c)(1)].
- 214 ▪ *Anonymous Letters Policy.* The purpose of this law is to set in place a system where anonymous
215 information is forwarded to a location best able to verify its reliability and to act on the source
216 or the accusation. [3 O.C. 307.1-1].
 - 217 ▪ This law requires that any employee who receives anonymous information will
218 forward a summary of that information in a confidential manner to the Chief of the
219 Oneida Police Department. [3 O.C. 307.4-1]. This law also requires that all
220 information forwarded will contain information identifying who received it, the
221 day, date, and time received. [3 O.C. 307.4-2]. This law makes the Chief of the
222 Oneida Police Department responsible to maintain the files on anonymous
223 information and to take appropriate action consistent with police investigatory
224 procedures. [3 O.C. 307.4-3].
 - 225 ▪ The proposed amendments align with the Anonymous Letters Policy by requiring
226 that if an employee learns of an anonymous threat, the employee shall immediately
227 forward that information to the Chief of the Oneida Police Department in
228 accordance with the Nation's laws, policies, and rules governing anonymous
229 letters; meaning if an employee learns of an anonymous threat they are required to
230 report under the Anonymous Letters Policy and under the proposed amendments
231 to the Workplace Violence law. [2 O.C. 223.8-2].
- 232 ▪ *Pardon and Forgiveness Law.* The purpose of the Law is to provide a fair, efficient and formal
233 process by which a member of the Nation may receive a pardon for the conviction of a crime;
234 a member of the Nation may receive forgiveness for acts that render him or her ineligible for
235 housing or other benefits through the Nation; and a member or non-member of the Nation may
236 receive forgiveness for acts that render him or her ineligible to be employed with the Nation;
237 receive a Nation-issued occupational license, certification or permit; and/or obtain housing or
238 other benefits through the Nation [1 O.C. 126.1-1(a)].
 - 239 ▪ This law allows a tribal member to apply for a pardon one (1) year after an act is
240 committed. [1 O.C. 126-1(b)].
 - 241 ▪ This law allows a tribal member to apply for a pardon or a forgiveness for an act
242 that rendered the Tribal member ineligible for Tribal employment, or an
243 occupational license, certification, or permit issued by the Tribe. [1 O.C. 126-1].

- 244 ▪ The proposed amendments align with the Pardon and Forgiveness law by
245 requiring the any employee that resigns or is terminated during, or as the result of,
246 a workplace violence investigation must receive a pardon from the Pardon and
247 Forgiveness Committee before the employee is eligible for re-hiring
248 consideration. [1 O.C. 126-1].
- 249 ▪ *Public Peace Law.* The purpose of this law is to set forth community standards and expectations
250 which preserve the peace, harmony, safety, health, and general welfare of individuals who live
251 within the boundaries of the Reservation. [3 O.C. 309.1-1]. It is further the policy of the Nation
252 to promote peace and order within the boundaries of the Reservation while also providing an
253 orderly process for addressing civil infractions. [3 O.C. 309.1-2].
 - 254 ▪ This law makes certain actions civil infractions subject to a citation, which can
255 include fines or other penalties, by the Oneida Police Department. [3 O.C 309.11].
 - 256 ▪ This law provides protections within the Reservation boundaries. [3 O.C. 309.1].
257 It would not apply to all instances of workplace violence, unless the workplace
258 violence occurred within the Reservation boundaries.
 - 259 ▪ This law applies when “[a] person commits” a civil infraction identified in the law;
260 it does not define or require that a “person” be a tribal member. [3 O.C. 309].
 - 261 ▪ This law gives the Oneida Trial Court and the Oneida Police Department the
262 jurisdiction and authority to hear, investigate, and issues citations for any action
263 under this law. [3 O.C. 309.4].
 - 264 ▪ The proposed amendments align with the Public Peace law by setting standards
265 and protections for all persons within the Reservation boundaries. [3 O.C. 309.1-
266 1]. The Public Peace law makes certain actions civil infractions subject to a
267 citation, which can include fines or other penalties, by the Oneida Police
268 Department similar to how the proposed amendments make certain actions and
269 behaviors punishable as workplace violence. [3 O.C 309.11]. This law’s
270 enforcement mechanisms do not conflict with the Workplace Violence law and
271 both laws set similar standards and protections for persons located within the
272 Reservation and all employees and visitors of the Nation.
- 273 ▪ *Oneida Personnel Policies and Procedures.* The purpose of this policy is to provide for the
274 Nation’s employee related policies and procedures including recruitment, selection,
275 compensation and benefits, employee relations, safety and health, program and enterprise
276 rules and regulations, and record keeping.
 - 277 ▪ This policy has procedures for handling an employee who has a disagreement or
278 complaint with another employee.
 - 279 ▪ For employee disagreements with another employee, the employee’s supervisor
280 will investigate and resolve.
 - 281 ▪ Any disciplinary actions will be initiated by an immediate supervisor.
 - 282 ▪ The actions of threatening, attempting, or doing bodily harm to another person is
283 subject to termination.
 - 284 ▪ The actions of intimidating, interfering with or using abusive language towards
285 customers, clients, co-workers, or others is subject to suspension or termination.

- A variety of other behaviors are subject to disciplinary procedures ranging from a written warning, suspension, or termination, including any violation of an adopted Oneida Nation ordinance.
- The proposed amendments do not conflict with the Oneida Personnel Policies and Procedures. Even though the proposed amendments require all complaints and investigations be made to and handled by the EEO Officer, the proposed amendments make clear the supervisor may still be involved in any portion of the investigation and will be responsible, along with the EEO Officer and the Nation's Human Resources Executive Director, for implementing the final decision. [2 O.C. 223.9-2(b); 223.9-2(d)].

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Workplace Violence law gives authority to the EEO Department, specifically the EEO Officer, to investigate all complaints of alleged workplace violence. [2 O.C. 223.9-1].
- B. The Workplace Violence law requires that when the EEO Department receives a complaint of workplace violence, the EEO Department will delegate the investigative responsibilities to the EEO Officer who shall promptly inform the immediate supervisor of the employee being complained about so the immediate supervisor is aware:
 - the EEO Officer will be investigating the employee;
 - knows the EEO Officer may place the employee on investigative leave; and
 - knows they will be responsible, along with the EEO Officer and the Nation's Human Resources Director for deciding and implementing the final decision. [2 O.C. 223.9-1; 2 O.C. 223.9-2].
- C. The Workplace Violence law requires that the EEO Officer, the Nation's Human Resources Executive Director and the employee's supervisor mutually determine an appropriate final decision. [2 O.C. 223.9-8].
- D. The Workplace Violence law requires that the final decision be in writing, contain justification, and be signed by the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor. [2 O.C. 223.9-8(a)].
- E. The Workplace Violence law requires that the final decision and all supporting documentation included in the investigative file be filed with the EEO Department for reporting purposes. [2 O.C. 223.9-8(b)].
- F. The Workplace Violence law requires that three (3) business days prior to meeting to mutually determine the final decision, the EEO Officer should share the investigative file with the Nation's Human Resources Executive Director and the employee's supervisor. [2 O.C. 223.9-8(c)].
- G. If the EEO Department is made aware that an employee made a report of workplace violence other than in good faith, that employee may be disciplined according to the Nation's laws, policies, and rules governing employment, up to and including termination. [2 O.C. 223.11].
- H. To the greatest extent possible, the Nation shall maintain the confidentiality of employees and the investigation. [2 O.C. 223.12-1].
- I. Any employee who violates the Workplace Violence law may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination. [2 O.C. 223.13-1].
- I. Any employee who violates the Workplace Violence law may be subject to removal from a workplace of the Nation. [2 O.C. 223.13-2].

SECTION 8. OTHER CONSIDERATIONS

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 has not yet directed that a fiscal impact be completed.

Title 2. Employment – Chapter 223 WORKPLACE VIOLENCE

ONEIDA

~~223.1. Purpose and Policy~~
~~223.2. Adoption, Amendment, Appeal~~
~~223.3. Definitions~~
~~223.4. Applicability~~
~~223.5. Prohibited Behavior~~
~~223.6. Reporting Workplace Violence~~
~~223.7. Future Workplace Violence~~

~~223.8. Supervisor Responsibilities~~
~~223.9. Equal Employment Opportunity Department-
Responsibilities~~
~~223.10. Fraudulent Report~~
~~223.11. Confidentiality~~
~~223.12. Enforcement~~

223.2. Adoption, Amendment, Appeal
223.3. Definitions
223.4. Application
223.5. Prohibited Behavior
223.6. Reporting Workplace Violence
223.7. Reporting Restraining Orders and Injunctions
223.8. Future Workplace Violence
223.9. EEO ("Equal Employment Opportunity Department")
Responsibilities
223.10. Employment Eligibility
223.11. Fraudulent Report
223.12. Confidentiality
223.13. Enforcement

223.1. Purpose and Policy

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 ~~for conducting~~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 ~~and/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, rule, or policy 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) ~~“Area Manager” means the person two (2) levels of supervision in the chain of command above an employee, or an individual designated to be the Area Manager by the Division Director.~~

“EEO-Department” means the Equal Employment Opportunity Department within the Nation’s Human ~~Resource~~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.

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(c) “Employee” means ~~anyone~~any person employed by the ~~ONEIDA~~ Nation in one of the following ~~employed~~ 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.

(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.

~~(d)~~ (f) “Intimidation” means making others feel afraid or fearful through threatening behavior. –

~~(e)~~ ~~(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.

~~(f)~~ (j) “Stalking” means unwanted or obsessive attention by an individual or group toward ~~another person. Stalking includes a course of conduct directed at a~~ a specific person that 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 ~~fear to feel unsafe.~~

~~(g)~~ (k) “Supervisor” means the person or entity responsible for ~~directly~~ overseeing the employee. –

~~(h)~~ (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 ~~physical~~ their safety or, the safety of a member of their family, or their property. –

~~(i)~~ (m) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended to cause harm to oneself or others. –

~~(j)~~ (n) “Workplace” means any location owned and operated by the Nation, ~~and~~ any location or event where an employee represents the Nation, including over-the-road travel in the Nation’s owned or rented vehicles ~~and~~ 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.

~~(k)~~ (o) “Workplace ~~V~~violence” means any intentional act committed by an employee in a workplace ~~that~~ 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 ~~bodily~~ 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. ~~Applicability~~ Application

223.4-1. –This law applies to all employees in any of the Nation’s workplaces, ~~– and covers~~ workplace violence whether ~~or not~~ the employee ~~is operating within the course of his or her~~

[Type here]

~~employment at the time~~ commits workplace violence during or outside the employee's normal work hours as long as the incident of workplace violence ~~occurs~~ 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:

~~(b)~~ (1) hitting or shoving; or

(2) throwing an object at an individual;

~~(c)~~ (b) fighting or ~~"horseplay"~~ roughhousing that may be dangerous to others;

~~(d)~~ (c) direct threats or physical intimidation;

~~(e)~~ (d) implications or suggestions of violence;

~~(f)~~ (e) stalking;

~~(g)~~ (f) possession possessing, carrying, or ~~use of weapons~~ 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;

~~(h)~~ (g) physical restraint, or confinement;

~~(i)~~ (h) an established pattern of loud, disruptive, angry, or abusive language or behavior;

~~(j)~~ (i) sending ~~of a~~ threatening, harassing, or abusive message by e-mails, letters, faxes, mail, letter, fax, phone ~~calls~~ call, text messages message or any other form of electronic media; including all social media platforms;

~~(k)~~ (j) using the workplace to violate protective restraining orders;

~~(l)~~ (k) intentionally damaging property of the Nation or property of another; and

~~(m)~~ throwing an object at an individual; and

~~(n)~~ (l) 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.* ~~The following~~ An employee shall ~~be exempt from this law:~~

~~(a) Law enforcement officials and security staff are not~~ be considered to ~~be in violation of this law when acting in their official capacity;~~ 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) Employees required to use knives or other tools owned by participating in cultural activities or ceremonies on property of the Nation that could potentially be used as weapons are not considered~~ which require a weapon to be in violation of this law as long as the tools are possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of employment and not used the cultural activities or ceremonies;

(c) hunting, fishing, or trapping on property of the Nation in a way to intimidate, threaten or otherwise harm another person within the workplace; 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

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(~~e~~) 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-non-employee~~. Any non-employee is encouraged to report threats ~~of~~ 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 employee's supervisor. The supervisor shall perform the initial assessment of the information pursuant to section EEO 223.8.

~~223.6-2.-3.~~ 3. Permissive Reporting by an Employee. ~~An~~ Any employee may report workplace violence to ~~his or her supervisor~~ EEO where the employee:

(a) is the victim of workplace violence; or

(b) ~~believes he or she~~ has been threatened with workplace violence.

~~223.6-3.-4.~~ 4. Mandatory Reporting by an Employee. ~~An~~ Any employee shall promptly report workplace violence to EEO where the employee witnesses ~~an act or a~~ threat or an incident of workplace violence ~~towards anyone else. 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 determined~~ appropriate, and take whatever emergency steps are available and appropriate to protect ~~himself or herself~~ themselves from immediate harm. The employee shall report the incident ~~in writing to the appropriate supervisor~~ EEO as soon as possible.

(b) *Non-Emergency Situation.* - If a non-emergency ~~situation~~ 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 appropriate supervisor~~ to EEO as soon as possible ~~if the situation is not one of immediate danger to life and safety.~~

~~223.6-5. 223.6-4. Reporting the Behavior of a Supervisor.~~ If the 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 alleged incident of ~~alleged~~ workplace violence ~~involves the supervisor, the.~~

(a) If an employee ~~shall report the~~ verbally reports an incident ~~to the supervisor's supervisor, or if none exists, to the area manager.~~ 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.

~~223.6-5.-~~

223.7. Reporting Restraining Orders. ~~An~~ and Injunctions.

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223.7-1. *Voluntary reporting.* Any employee who ~~possesses~~obtains a ~~current~~ 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 ~~supply~~, upon receipt of the signed order against them, give a copy of the signed order to ~~his or her supervisor.~~ EEO.

~~(a) The supervisor shall provide~~ (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 ~~area manager~~employee's supervisor and the ~~EEO Department~~Nation's Human Resources Executive Director ~~or designee.~~

223.8.

223.7. **Future Workplace Violence**

223.7-1. - Where an employee has reason to believe that ~~he, she or others,~~another employee may be victimized sometime in the future, either at the workplace or as a direct result of their employment with the Nation, ~~he or she~~the employee is encouraged to provide this information ~~in writing to his or her supervisor~~to EEO as soon as possible for an initial assessment pursuant to section 223.8-19. EEO shall inform the Oneida Police Department, local law enforcement, or facility security if appropriate.

~~(a) If an employee reports a possibility of future workplace violence to his or her supervisor the supervisor shall inform the EEO Department Director or designee.~~

~~(b) The EEO Department Director or designee shall inform the Oneida Police Department or local law enforcement and/or facility security if determined appropriate.~~

223.7-2. -~~Anonymous threats or letters. In the event that.~~ If an employee learns of an ~~employee receives~~ anonymous ~~threats or letters~~threat, the employee shall immediately forward ~~a summary of such~~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 ~~then also~~ immediately notify ~~his or her supervisor. The supervisor shall notify the target of the threat, take measures to ensure safety, and ensure that the Oneida Police Department as notified, and notify local law enforcement and/or facility security if determined appropriate.~~ EEO

223.8. — Supervisor 223.9. EEO ("Equal Employment Opportunity Department") **Responsibilities**

223.8-1. -~~Upon receiving a report~~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. ~~or otherwise becoming aware of a threat~~When EEO receives a complaint of workplace violence ~~or a workplace violence episode, a~~, whether verbal or in writing, the EEO Officer shall promptly notify in writing the supervisor ~~shall immediately conduct an assessment of the situation and determine if an emergency exists or if~~employee being complained about so the ~~situation is one of immediate danger.~~ supervisor:

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~~223.8 2. *Emergency Situation.* If an emergency situation exists and if possible without causing themselves to be in danger, a supervisor shall immediately 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 himself or herself, employees and others from immediate harm.~~

~~223.8 3. *Non-Emergency Situation.* If the situation is not creating immediate danger to life and safety, the supervisor shall speak to the person reporting the incident and assess the situation.~~

~~(a) If the supervisor deems the episode is not a workplace violence problem then the investigation as a workplace violence matter ends.~~

(a) is aware that the EEO Officer will be investigating the employee;

(b) knows they may assist the EEO Officer in any portion of the investigation; ~~Where the supervisor deems the episode as a workplace violence matter, he or she shall prepare a written Workplace Violence Incident Report detailing the complaint. The supervisor shall then forward this report to the EEO Department Director or designee.~~

~~223.8 4. (c) knows the EEO Officer~~ ~~*Investigative Leave.* A supervisor may place an employee alleged to be involved in a workplace violence incident~~ the employee ~~on investigative leave, if the supervisor deems the~~ they determine ~~investigative leave to be necessary and appropriate, in accordance with the Nation's laws, policies and rules governing investigative leave except for the EEO Department Director or designee, not the employee's supervisor, shall conduct the investigation of the alleged workplace violence incident.; and~~

~~223.8 5. A supervisor shall consider the recommendation for disciplinary action provided by the EEO Department Director or designee pursuant to section 223.9 4(b) when carrying out a disciplinary action of an employee. The supervisor shall carry out any disciplinary action of an employee within five (5) days of receiving the recommendation. If the supervisor does not follow the disciplinary action recommendation provided by the EEO Department Director or designee, the supervisor shall provide justification for the deviation from the recommendation to the EEO Department Director and the supervisor's Area Manager.~~

223.9. Equal Employment Opportunity Department Responsibilities

~~223.9 1. The EEO Department Director, or an individual assigned as designee by the EEO Department Director, shall be responsible for investigating alleged workplace violence.~~

(d) 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=

~~223.9 2. Upon receipt of a completed Workplace Violence Incident Report, or other acceptable written notice of an allegation of workplace violence, the EEO Department Director or designee shall coordinate with all involved agencies or departments and immediately conduct an investigation which may include the following duties:~~

~~(a) Personally~~ coordinate with all involved agencies or departments; (b) meet with the employee filing the complaint;

(b) visit the scene of an ~~the~~ incident as soon as possible;

~~(b) Interview~~ (c) interview employees and other witnesses;

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~~(e) Examine the workplace for security risk factors associated with the incident, including examination of any reports of inappropriate behavior by the perpetrator;~~

~~(d) Determine the cause of the incident;~~

~~(e) Determine what mitigating action could prevent the incident from recurring;~~

~~(f) Record the findings and recommended mitigating actions; and~~

~~(g) Contact~~contact the Oneida Police Department ~~and~~/or any other appropriate law enforcement agency when necessary;

~~(h) Review~~(e) send weekly updates to the employee's supervisor;

(f) review relevant video surveillance footage if available, in accordance with standard operating procedures on the subject; and

~~(i) Any~~(g) conduct any other investigative methods necessary for a thorough investigation.

~~223.9-3. 4.~~ In performing these investigative duties, the EEO ~~Department Director or designee~~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, ~~then~~ the employee shall be placed on investigative leave in accordance with the Nation's laws, policies, and rules governing investigative leave, ~~except for the EEO Department Director or designee, not the employee's supervisor, shall conduct the investigation of the alleged workplace violence incident.~~

~~223.9-4. Upon completion of~~ 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) Application. If appropriate, the employee's supervisor will be responsible for initiating the final decision.

(c) Record keeping. The final decision and all supporting documentation, included in the Investigative file, shall be filed with EEO for reporting purposes.

(d) 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.

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223.10. ~~the investigation, the EEO Department Director or designee shall:~~

- ~~(a) implement any preventive factors within the Nation's Human Resources Department's authority;~~
- ~~(b) provide a written report of the investigation and recommendation for disciplinary action, if any, to the supervisor of the employee;~~
- ~~(c) notify the Oneida Police Department or local law enforcement when a potential criminal act has occurred; and~~
- ~~(d) refer employees to post-event trauma counseling for those employees desiring such assistance.~~

Employment Eligibility

223.10-1. ~~223.9-5.~~ *Employee Resignation.* An employee who resigns from their position when there is an ongoing workplace violence investigation or in lieu of a 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 within with the Nation ~~for~~ three (3) years from the date of ~~the~~ resignation. ~~The EEO Department Director or designee~~ 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 investigation.

~~223.9-6. In appropriate circumstances, the EEO Department Director or designee shall inform the reporting individual of the results of the investigation which would not compromise the legally-protected confidentiality of any other person.~~ **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.

223.10.

223.11. Fraudulent Report

~~223.10-1-1.~~ If at any time ~~the EEO Department Director or designee, or supervisor~~ is made aware that an employee ~~or supervisor has~~ made a report of workplace violence other than in good faith, the employee ~~or supervisor~~ may be disciplined according to the Nation's laws, policies, and rules governing employment, up to and including termination.

223.12.

223.11. Confidentiality

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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 ~~is in compliance~~ complies with a court order; ~~and/or~~
- (c) the release of information is pursuant to applicable laws ~~and/or~~ policies.

223.1213. Enforcement

223.1213-1. ~~An~~ Any employee ~~or supervisor~~ 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.

~~223.12-2. An employee who violates this law may be subject to removal from a workplace of the Nation.~~

End

Adopted – BC-06-28-17-E

Title 2. Employment – Chapter 223

WORKPLACE VIOLENCE

223.1. Purpose and Policy
223.2. Adoption, Amendment, Appeal
223.3. Definitions
223.4. Application
223.5. Prohibited Behavior
223.6. Reporting Workplace Violence
223.7. Reporting Restraining Orders and Injunctions
223.8. Future Workplace Violence

223.9. EEO ("Equal Employment Opportunity Department")
Responsibilities
223.10. Employment Eligibility
223.11. Fraudulent Report
223.12. Confidentiality
223.13. Enforcement

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, rule, or policy 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.

(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.

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(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 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;

(e) stalking;

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- (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; and
- (l) 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 alleged incident of workplace violence.

(a) 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 supervisor of the employee being complained about so the supervisor:

(a) is aware that the EEO Officer will be investigating the employee;

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- (b) knows they may assist the EEO Officer in any portion of the investigation;
- (c) knows the EEO Officer may place the employee on investigative leave if they determine investigative leave to be necessary; and
- (d) 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. 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) *Application.* If appropriate, the employee's supervisor will be responsible for initiating the final decision.
- (c) *Record keeping.* The final decision and all supporting documentation, included in the Investigative file, shall be filed with EEO for reporting purposes.
- (d) *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

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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 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



Legislative Operating Committee
September 3, 2025

Public Use of Tribal Land Law Amendments

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

10/4/23 LOC: Motion by Marlon Skenandore to add the Public Use of Tribal Land Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. 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.

4/29/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Krystal John, Eric Boulanger, Joel Maxam, Eric McLester, Nicole Rommel, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to review the Public Use of Tribal Land law and begin discussing potential comprehensive amendments.

5/20/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Krystal John, Joel Maxam, Eric McLester, Nicole Rommel, Kristal Hill, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to review the initial draft of proposed amendments to the Public Use of Tribal Land law.

8/11/25: *Work Meeting.* Kirby Metoxen, Clorissa Leeman, Rhiannon Metoxen, Eric Boulanger, Joel Maxam, Fawn Cottrell, Kristal Hill, Nicole Rommel, Krystal John. The purpose of this work meeting was to review and discuss an update draft of the proposed amendments.

8/20/25 LOC: Motion by Kirby Metoxen to approve the draft of amendments to the Public Use of Tribal Land law amendments; seconded by Marlon Skenandore. Motion carried unanimously.

Next Steps:

- Approve the legislative analysis and the public meeting packet for the proposed amendments to the Public Use of Tribal Land law and schedule a public meeting to be held on October 15, 2025.

ONEIDA NATION PUBLIC MEETING NOTICE**WEDNESDAY, OCTOBER 15, 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](https://oneida-nsn.gov/government/register/public%20meetings)

**Send Public Comments to**

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

PUBLIC USE OF TRIBAL LAND LAW AMENDMENTS

The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands.

The Public Use of Tribal Land law amendments will:

- ♦ Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law to Land Management.
- ♦ Delegate administrative rulemaking authority to Land Management for the development of rules regarding the Land Access Map and other topics.
- ♦ Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land.
- ♦ Provide that Land Management is responsible for issuing land use licenses and easements.
- ♦ And make other drafting changes to the law.

Individuals may attend the public meeting for the proposed Public Use of Tribal Land law amendments 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.

PUBLIC COMMENT PERIOD CLOSES WEDNESDAY, OCTOBER 22, 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 Public Use of Tribal Land law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).





PUBLIC USE OF TRIBAL LAND LAW 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"> ▪ Add definitions for the following terms: Land Management [6 O.C. 609.3-1(c)], land use license [6 O.C. 609.3-1(d)], rule [6 O.C. 609.3-1(c)], Trial Court [6 O.C. 609.3-1(j)], and Tribal member [6 O.C. 609.3-1(k)], and eliminate the definition for trespass; ▪ Eliminate the Environmental Resource Board from the Law and delegate all their former responsibilities and duties to Land Management. [6 O.C. 609.4, 609.7]; ▪ Delegate administrative rulemaking authority to Land Management to develop rules to: <ul style="list-style-type: none"> ▪ Develop, approve, and maintain the Land Access Map; ▪ Allocate and assign land uses for all Tribal lands; ▪ Issue land use licenses; ▪ Issue easements; ▪ Develop a fine and penalty schedule for violations of this Law and its corresponding rules; and ▪ Develop any other rules needed to implement or enforce this Law. [6 O.C. 609.4-2]; ▪ Require that Land Management consult with the Land Assessment Team on the development of all administrative rules. [6 O.C. 609.4-3]; ▪ Require that the Land Access Map be made digitally available on the Nation's website. [6 O.C. 609.5-4]; ▪ Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land. [6 O.C. 609.6-1]; ▪ Provide that Land Management is responsible for issuing land use licenses. [6 O.C. 609.6-3]; ▪ Provide that Land Management is responsible for issuing easements. [6 O.C. 609.6-4]; ▪ Remove the provisions on amending the Land Access Map, as the administrative rulemaking process shall now be followed.; ▪ Remove the provisions of the Law regarding trespass.; ▪ Remove much of the provisions regarding citations, and simply providing that 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 in accordance with the Nation’s laws and policies governing citations. [6 O.C. 609.7-2]; ▪ Make other minor drafting changes throughout the Law.
Purpose	The purpose of this law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1].
Affected Entities	Land Management, Oneida Police Department
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Public Use of Tribal Land law (“the Law”) was originally adopted by the Oneida Business Committee in 2014 through resolution BC-05-15-14-C, and then was amended through resolutions BC-12-10-14-A, BC-01-13-16-C, and BC-07-26-17-D. The purpose of the Law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1]. It is the policy of the Nation to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land. [6 O.C. 609.1-2].
- B. Request for Amendments.** On August 10, 2022, the Oneida Business Committee adopted 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 General Manager 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 Oneida Land Commission. On September 28, 2022, the Oneida Business Committee adopted 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 forty-five (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.

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;
 - Land Management;
 - Oneida Law Office; and

- Environmental, Land, and Agriculture Division.
- B. The following laws were reviewed in the drafting of this analysis:
 - Legislative Procedures Act;
 - Administrative Rulemaking law;
 - Real Property law;
 - Public Peace law; and
 - Citations Law.

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 4, 2023, the Legislative Operating Committee added the Public Use of Tribal Land law amendments to its Active Files List.
 - On August 20, 2025, the Legislative Operating Committee approved the draft of amendments to the Public Use of Tribal Land law.
- 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:
 - January 3, 2024: LOC work session.
 - April 29, 2025: LOC work session with Oneida Law Office, Oneida Police Department, Land Management, and the Environmental, Land, and Agriculture Division.
 - May 20, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and Land Management.
 - August 11, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and Land Management.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Definitions.** The proposed amendments to the Law add definitions for the following terms: Land Management [6 O.C. 609.3-1(c)], land use license [6 O.C. 609.3-1(d)], rule [6 O.C. 609.3-1(c)], Trial Court [6 O.C. 609.3-1(j)], and Tribal member [6 O.C. 609.3-1(k)]. The definition for trespass was eliminated from the Law, as the term is no longer used in the Law.
 - *Effect.* Updating the definitions to include new terms that are used in the Law, and eliminate terms that are no longer used in the Law provides greater clarification for those who read the Law.
- B. **Elimination of the Environmental Resource Board.** The current Law provides that the Environmental Resource Board has the duty and power to carry out the intent and purposes of this law and enforce the provisions of this law. [current 6 O.C. 609.4-1]. Throughout the Law the Environmental Resource Board is then given a variety of different responsibilities and authorities, particularly in regard to the development and maintenance of the Land Access Map. The proposed amendments to the Law remove all mentions of the Environmental Resource Board from the Law, and instead delegates all responsibilities of the Environmental Resource Board provided in the law to Land Management. [6 O.C. 609.4-1].
 - *Effect.* The removal of the Environmental Resource Board through the proposed amendments to the Law aligns with the September 28, 2022, Oneida Business Committee directive to dissolve the Environment Resource Board. The Environmental Resource Board has to be eliminated from all

laws of the Nation, and their responsibilities delegated to another entity before the board can be officially dissolved.

C. ***Delegation of Administrative Rulemaking.*** The proposed amendments to the Law delegate rulemaking authority in accordance with the Administrative Rulemaking law to Land Management to develop rules to address: the development, approval, and maintenance of the Land Access Map; the allocation and assignment of land uses for all Tribal land; issuance of land use licenses; issuance of easements; a fine and penalty schedule for violations of this law and its corresponding rules; and any other rule needed to implement or interpret the provisions of this law. [6 O.C. 609.4-2].

- *Effect.* The Administrative Rulemaking law provides that only authorized agencies may promulgate rules once they are granted rulemaking authority by a law of the Nation. [1 O.C. 106.4-1]. This proposed amendments to the Law delegates Land Management rulemaking authority in accordance with the Administrative Rulemaking law. This delegation of rulemaking authority will allow Land Management to develop rules to best address their responsibilities provided through this Law.

D. ***Consultation with the Land Assessment Team.*** The proposed amendments to the Law include a new provision which requires that Land Management consult with the Land Assessment Team on the development of all administrative rules. [6 O.C. 609.4-3]. The Land Assessment Team is comprised of the following professionals employed by the Nation: Land Management Senior Management; Planning and Development Area Manager; Environmental Specialist; Tribal Historical Preservation Officer; GLIS Specialist; Zoning Administrator; and other subject matter experts based on the characteristics of the parcel to include: if there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager. [6 O.C. 609.4-3(a)]. Section 609.5-3 of the current Law does require the Environmental Resource Board to develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Nation.

- *Effect.* The requirement that Land Management consults with the Land Assessment Team on the development of administrative rules ensures that Land Management is collecting input from some of the Nation's subject matter experts on land. This is similar to current collaboration requirements for the development of the Land Access Map included in the Law.

E. ***Accessibility of Land Access Map.*** The proposed amendments to the Law include a new provision which requires that Land Management ensures that the Land Access Map is made digitally available on the Nation's website. [6 O.C. 609.5-4].

- *Effect.* This proposed amendment ensures that people have access to the Land Access Map and the information contained in the map regarding the different designations of Tribal land so that they can best comply with the restrictions on the different designations of the Tribal lands.

F. ***Assigning Land Uses.*** The proposed amendments to the Law include a new provision that now provides that Land Management is responsible for allocating and assigning land uses to all Tribal land. [6 O.C. 609.6-1]. The Law goes on to provide that the purpose of assigning land uses is to set consistent practices and expectations for Land Management's reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community. *Id.* Land Management is also delegated administrative rulemaking authority to develop rules to address the allocation and assignment of land uses for all Tribal land. [6 O.C. 609.4-2(b)].

- *Effect.* Currently, it is the Real Property law that addresses the assignments of land uses. The Real Property law provides that the Oneida Land Commission is responsible for allocating and assigning land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in collaboration with affected Oneida divisions and departments and the Oneida Land Commission. [6 O.C. 601.12-2(e)]. The Land Use Technical Unit rules have currently been replaced with Real Property Law Rule No. 1 - Land Assessments for the Nation's Decisionmakers to Build an Autonomous Community (LANDBAC). It has been determined that the allocation and assignments of land uses fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

G. Land Use Licenses. The proposed amendments to the Law include a new provision that provides that Land Management is responsible for creating a process for accepting, reviewing, and approving or denying land use license application requests. [6 O.C. 609.6-3]. Land Management is also delegated administrative rulemaking authority to develop rules to address the issuance of land use licenses. [6 O.C. 609.4-2(c)]. Land use licenses were previously not addressed by this Law.

- *Effect.* Currently, it is the Real Property law that addresses the issuance of land use licenses. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all land use licenses. [6 O.C. 601.12-2(b)]. The Real Property law provides that Land Management is responsible for forwarding requests for land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission. [6 O.C. 601.12-3(a)]. Real Property Law Rule No. 2 – Land Use Licenses creates processes for accepting, reviewing, and approving or denying land use license application requests where the Oneida Land Commission is the decision maker and the Land Management staff are the application processors. It has been determined that addressing land use licenses fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

H. Easements. The proposed amendments to the Law include a new provision that provides that Land Management is responsible for creating a process for accepting, reviewing, and approving or denying easement application requests. [6 O.C. 609.6-4]. Land Management is also delegated administrative rulemaking authority to develop rules to address the issuance of easements. [6 O.C. 609.4-2(d)]. Easements were previously not addressed by this Law.

- *Effect.* Currently, it is the Real Property law that addresses the issuance of easements. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all easements. [6 O.C. 601.12-2(b)]. The Real Property law provides that Land Management is responsible for forwarding requests for easements to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission. [6 O.C. 601.12-3(a)]. Land Management and the Oneida Land Commission are delegated joint administrative rulemaking authority to develop rules regarding requests for easements for landlocked properties. [6 O.C. 601.7-3(e)]. Real Property Law Rule No. 3 - Easements provides procedures for granting easements over, under and across Tribal lands in order to best protect the interests of the Oneida Nation. It has been determined that addressing easements fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real

Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

- I. *Amending the Land Access Map.*** Currently, section 609.5-5 of the Law includes provisions on amending the Land Access Map and addresses who may request amendments to the Land Access Map as well as holding a public hearing to consider potential amendments to the Land Access Map. The proposed amendments to the Law remove the provisions on amending the Land Access Map.
- *Effect.* Provisions regarding the amendment of the Land Access Map were removed from the Law because the Land Access Map is now required by the proposed amendments to be an administrative rule. [6 O.C. 609.4-2(a)]. Therefore, the administrative rulemaking process provided for in the Administrative Rulemaking law is now required to be followed if Land Management wants to amend the Land Access Map. [1 O.C. 106].
- J. *Trespass.*** Currently, section 609.6 of the Law addresses trespass by providing for what constitutes trespass and how to post that permission by the landowner or occupant for such person to enter such land does not exist. The proposed amendments to the law remove the provisions of the Law regarding trespass.
- *Effect.* Provisions regarding trespass were removed from the Law in the proposed amendments in an effort to avoid duplicative provisions in law due to the fact that trespass is addressed through the Nation's Public Peace law. [3 O.C. 309.5-3]. It was determined that the information on how to post that permission for a person to enter land does not exist currently provided for in section 609.6-1(a)-(b) of the Law would be better suited in the Real Property law so that it can apply to land not just owned by the Nation, but also land owned by individuals. The Real Property law is currently being amended so that the posting for trespass provisions can be addressed in the Real Property law instead of this Law.
- K. *Citations.*** Section 609.7 of the current Law contains a lot of provisions regarding the citation process, including information on the issuance of citations and enforcement of this law, hearings and appeals of citations, penalties for citations, allocation of citation revenue and pursuing the payment of citations. The proposed amendments to the Law remove much of the provisions regarding citations and simply provide that 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 in accordance with the Nation's laws and policies governing citations. [6 O.C. 609.7-2].
- *Effect.* The proposed amendments remove bulk of the language regarding citations, because since this Law was last amended a Citations law which provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation was adopted. [8 O.C. 807.1-1]. Referencing the Citations law instead of including specific provisions within this Law ensures that all citations of the Nation are handled in a consistent manner.
- L. *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.
- ***Administrative Rulemaking Law.*** The Administrative Rulemaking law provides an efficient, effective, and democratic process for enacting and revising administrative rules, to ensure that

authorized agencies act in a responsible and consistent manner when enacting and revising administrative rules. [1 O.C. 106.1-2].

- The Public Use of Tribal Land law delegates rulemaking authority to Land Management to promulgate rules to govern a variety of topics related to the public use of Tribal land. [6 O.C. 609.4-2].
- Any rules promulgated by Land Management under the Public Use of Tribal Land law will be required to be developed in accordance with the process and procedures of the Administrative Rulemaking law.
- **Legislative Procedures Act.** The Legislative Procedures Act provides a standard process for the development and adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies within the organization of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - The development of amendments to the Public Use of Tribal Land law complies with the process and procedures of the Legislative Procedures Act.
- **Citations Law.** The Citations law provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
 - The Public Use of Tribal Land law provides that 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 in accordance with the Nation's laws and policies governing citations. [4 O.C. 406.10-4].
 - Any citations issues under the Public Use of Tribal Land law must comply with the process for handling citations as provided for in the Citations law.
- **Real Property Law.** The Real Property law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrates these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establishes licensing and certification requirements for the Nation's employees dealing with real property transactions. [6 O.C. 601.1-1]. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder's rights and responsibilities. [6 O.C. 601.1-2].
 - The Real Property law and its corresponding rules currently address assigning land uses, land use licenses, and easements. [6 O.C. 601.7-3(a), 601.12-2(b), 601.12-2(e), 601.12-3(a)].
 - The Real Property law is being amended to remove the provisions regarding assigning land uses, land use licenses, and easement, as the proposed amendments to the Public Use of Tribal Land law will now address these topics. [6 O.C. 609.4-2(b)-(d), 609.6-1, 609.6-3, 609.6-4].
 - The provisions of the current Public Use of Tribal law regarding postings for trespass will be removed from the Law, and instead placed into the Real Property law.

SECTION 7. OTHER CONSIDERATIONS

- A. **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

252 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
253 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
254 completing the fiscal impact statement.

- 255 ▪ *Conclusion.* The Legislative Operating Committee has not yet requested that a fiscal impact
256 statement be developed.

257

Title 6. Property and Land – Chapter 609

~~PUBLIC USE OF TRIBAL LAND~~

Tsi? yuhwatsya'té tewatenhotúkwa? Ukwéhuwé'ne

That of the earth one opens it up Oneida Nation

~~609.1. Purpose and Policy
609.2. Adoption, Amendment, Repeal
609.3. Definitions
609.4. Environmental Resource Board
609.5. Land Access Map
609.6. Trespass
609.7. Violations and Appeals~~

PUBLIC USE OF TRIBAL LAND

~~609.1. Purpose and Policy
609.2. Adoption, Amendment, Repeal
609.3. Definitions
609.4. Responsibilities of Land Management~~

~~609.5. Land Access Map for Tribal Lands
609.6. Assignment and Use of Tribal Land
609.7. Enforcement~~

609.1. Purpose and Policy

609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to Tribal lands.

609.1-2. *Policy.* It is the policy of the Nation

609.2. Adoption, Amendment, Repeal

609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A, BC-01-13-16-C ~~and~~ BC-07-26-17-D, ~~and BC- - - - -~~.

609.2-2. 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.

609.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

609.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law controls.

609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal trespass under applicable law.

609.3. Definitions

609.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Designation" means the term used to describe the type of access granted to certain Tribal lands.

(b) "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.~~

~~(c)~~ (c) "Land Management" means the entity within the Nation responsible for entering into and administering agricultural and commercial leases on behalf of the Nation.

processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law.

(d) “Land Use License” means an agreement entered into by the Nation providing a tribal member the right to have gatherings within the reservation boundaries of groups larger than seventy-five (75) people and/or an agreement between the Nation and any third-party granting said party the right to occupy and/or utilize a specified piece of land for a specific purpose and a specific duration.

(d) “Lease” means any lease or agreement, including business site leases, entered into by the Nation and any person to allow the use of Tribal lands.

(d-e) “Nation” means the Oneida Nation.

(e-f) “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.

(f-g) “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, the imposition of a wildlife protection assessment (civil recovery value), and restitution.~~

(g-h) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the ~~18609~~ 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(h) “Trespass” means the unauthorized use or entry on Tribal lands, including unauthorized uses under any law, rule, permit or lease of the Nation.~~

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

(j) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation 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

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

(l) “Tribal Land” means all of the Nation’s trust lands, and any land or interest in land held by the Nation in fee or in any other form on the Reservation.

609.4. — ~~Environmental Resource Board~~ Responsibilities of Land Management

609.4-1. ~~The Environmental Resource Board has~~ Land Management shall be delegated the duty and power to carry out the intent and purposes of this law ~~and enforce the provisions of this law. The Environmental Resource Board, or designated staff, shall:~~

609.4-2. Administrative Rulemaking. Land Management shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop rules which address:

(a) ~~Develop, approve~~ The development, approval, and maintain ~~maintenance of~~ the Land Access Map;

(b) ~~Hold public hearings on proposed amendments to the Land Access Map.~~

~~(c) Determine which~~ The allocation and assignment of land uses for all Tribal land ~~will be posted and ensure the appropriate signs are posted;~~

(c) Issuance of land use licenses;

(d) ~~Implement and~~ Issuance of easements;

(e) A fine and penalty schedule for violations of this law and its corresponding rules; and

(f) Any other rule needed to implement or interpret the provisions of this law.
~~(e) As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or prohibited uses, the Environmental Resource Board shall notify the Oneida Business Committee of the permissible and/or prohibited uses and shall post notice of such uses on the affected Tribal Land.~~

609.4-3. Consultation. Land Management shall consult with the Land Assessment Team on the development of all administrative rules.

(a) Land Assessment Team. The Land Assessment Team shall be comprised of the following professionals employed by the Nation:

- (1) Land Management Senior Management;
- (2) Planning and Development Area Manager;
- (3) Environmental Specialist;
- (4) Tribal Historical Preservation Officer;
- (5) GLIS Specialist;
- (6) Zoning Administrator;
- (7) Other subject matter experts based on the characteristics of the parcel to include:

(A) If there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager.

609.5. Land Access Map for Tribal Lands

609.5-1. *Designation of Tribal Lands.* A Land Access Map ~~must~~shall be created which designates Tribal land as one (1) of the following:

~~(a) Limited Access: Lands designated as “Limited Access” are open to all persons who are granted land access permission by the Nation through a permit or lease for specified purposes. The Environmental Resource Board.~~

(1) Land Management may choose to designate a portion of land as Limited Access in order to manage, preserve, and protect that land for environmental, cultural, or other significance.

(2) Lands designated as Limited Access shall be open to all persons who are granted land access permission by the Nation for specified purposes.

~~(b) Oneida Community Access:~~

(1) Land Management may choose to designate land as Oneida Community Access in order to manage, preserve, and protect access to locations that have cultural or environmental significance.

(2) Lands designated as “Oneida Community Access” ~~are~~shall be open to:

(A) Tribal members, ~~and their~~;

(B) spouses and descendants; ~~of Tribal members~~;

(C) members of other federally recognized Indian tribes, bands or communities;

(D) authorized employees of the Nation; and

(E) persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.

~~(1) A Conservation Warden or Oneida Police Officer may require a person to provide proof of eligibility to use Oneida Community Access lands.~~

~~(2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.~~

~~(c) Oneida Tribal Member Access: Lands designated as “Oneida Tribal Member Access” are open to Tribal members only. The Environmental Resource Board.~~

~~(1) Land Management~~ may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural, and/or environmental significance of the land.

~~(d) Open:2)~~ Lands designated as “~~Open~~Oneida Tribal Member Access” are generally open to ~~all persons for the land’s designated use and enjoyment. The Environmental Resource Board~~Tribal members only.

~~(d) Open.~~

~~(1) Land Management~~ may designate land as Open Access where such designation is deemed beneficial to the Nation and where such designation does not pose significant risk of damage to the Nation’s policies and/or the land’s cultural or environmental preservation.

~~(2) Lands designated as Open Access are generally open to all persons for the land’s designated use and enjoyment.~~

609.5-2. ~~General Land Designation.~~ Unless otherwise designated, Tribal land is designated as limited access.

609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

- (a) Employees of the Nation who are performing their job duties;
- (b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Nation;
- (c) Emergency personnel who are providing, or attempting to provide, services; and
- (d) Those persons who have been granted access to the land by ~~the Environmental Resource Board~~Land Management.

~~609.5-3. Development~~609.5-4. Accessibility of the Land Access Map. The Environmental Resource BoardLand Management shall developensure that the Land Access Map is made digitally available on the Nation’s website.

609.6in coordination. Assignment and Use of Tribal Land

609.6-1. Assignment of Land Uses. Land Management shall be responsible for allocating and assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

609.6-2. Permissible and Prohibited Uses for Tribal Land. As it deems appropriate, Land Management may prescribe permissible and/or prohibited uses for Tribal land;

- (a) Such permissible and/or prohibited uses may not contradict with the Oneida Environmental HealthZoning and Safety Division, the Oneida DivisionShoreland Protection Ordinance.

(b) Upon establishment of permissible and/or prohibited uses, Land Management, Geographic Land Information Systems and other shall post notice of such designated agencies of the Nation. The Environmental Resource Board shall adopt the initial Land Access Map uses on the affected Tribal Land.

~~609.5-4. General~~ (1) Any postings of land shall be done in accordance with the requirements of the Real Property law.

~~609.6-3. Land Designation. Unless otherwise designated, Tribal land is designated as limited access.~~

~~609.5-5. Amending the Use License. Land Access Map. The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration must be made~~ Management shall be responsible for the intent creating a process for accepting, reviewing, and purposes of the designation.

(a) ~~Amendments may be proposed by any person by filing an~~ approving or denying land use license application with the Environmental Resource Board in such format and accompanied by such information as required by the Board. requests.

(b) ~~Public Hearing. The Environmental Resource Board~~ 609.6-4. Easements. Land Management shall be responsible for creating a public hearing on each process for accepting, reviewing, and approving or denying easement application requests.

609.7. Enforcement

609.7-1. An Oneida Police Department officer or warden may require a person to amend the Land Access Map provide proof of eligibility to use any designated Tribal lands.

(1) ~~The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.~~

(A) ~~Notice. Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, must be:~~

(i) ~~published in the Nation's newspaper; and~~

(ii) ~~mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.~~

(B) ~~Any person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.~~

(C) ~~In addition to accepting oral comments at the public meeting, the Environmental Resource Board shall also accept written comments, which must be submitted within five (5) business days of the date of the public meeting.~~

(D) ~~The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.~~

(2) ~~The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.~~

(3) ~~The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:~~

(A) Existing uses of the land and buildings within the general area of the land in question.

(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.

(4) The Environmental Resource Board may not amend the Land Access Map unless it finds that adopting such amendment is in the Nation's best interest and is not solely for the interest of the applicant.

(e) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments must require a two-thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:

(1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or

(2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

609.6. — Trespass 609.7-2. Issuance of a Citation. An individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer or warden.

(a) A citation for a

~~609.6~~ 1. — A person trespasses if the person enters or otherwise occupies Tribal land and:

(a) Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so.

(b) Enters upon such land after being noticed by the landowner or occupant that permission for the person to enter such land does not exist, or has been expressly denied or revoked. A person has been noticed that permission by the landowner or occupant for such person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Nation's website and/or in the Nation's newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:

(1) A sign at least eleven inches (11") square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person is the holder of legal title to the land or by the word "occupant" if the person is a lawful occupant of the land, but not the holder of legal title.

(2) Markings at least one foot (1') long and, in a contrasting color, the phrase "private land" and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.

(c) Does any of the following without proper authorization through a lease, permit or as otherwise required under applicable law:[†]

(1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.

[†]Current Tribal laws that authorize conduct described in 609.6-1(c): Protection and Management of Archeological and Historical Resources; Oneida Tribal Regulation of Domestic Animals Ordinance; Tribal Environmental Response Law; Wood-Cutting Ordinance; Recycling and Solid Waste Disposal; Hunting, Fishing and Trapping Law; All Terrain Vehicle Law; Zoning and Shoreland Protection Law.

- (2) ~~Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.~~
- (3) ~~Engages in any act, or attempted act of hunting, trapping or fishing.~~
- (4) ~~Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.~~
- (5) ~~Erects, puts up, fastens, prints, or paints upon another's property, notices, advertisements, signs or other writing designed to communicate to the general public.~~
- (6) ~~Parks or drives any vehicle on the land.~~
- (7) ~~Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.~~
- (8) ~~Uses or possesses leased or sub-leased lands beyond the possessory rights granted by such lease or sub-lease.~~
- (9) ~~Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.~~

609.7. — Violations, Enforcement and Appeals

~~609.7 1. — Citations. Citations for the violation of this law and/or any orders issued pursuant to this law may include fines, and other penalties and, as well as conditional and other orders in accordance with the citation schedule applicable to this law. A separate offense shall be deemed committed on each day during or on which made by the Trial Court.~~

~~(b) A citation for a violation occurs or continues. The issuance of a citation or fine under any other law relating to the same or any other matter does not preclude the issuance of a citation under this law of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.~~

~~(a) Any order issued pursuant to this law that is not complied with may be physically enforced by Oneida Police Officers or Oneida Conservation Wardens at the Owner's expense.~~

~~(b) The Oneida Police Department, by means of Oneida Police Officers and Oneida Conservation Wardens, is authorized to take any appropriate action to prevent or remove a violation of this Law.~~

~~609.7 2. — Hearing and Appeals of Contested Actions. 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.~~

~~(a) Community Service. Community service may be substituted for monetary fines at the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10) of the fine.~~

~~(b) Allocation of Citation Revenue. All citations shall be paid to the Environmental Resource Board or its designee, the proceeds of which shall be contributed to General Fund.~~

~~(c) *Appealing the Decision of the Judiciary Trial Court.* Any person wishing to contest the determination of the Judiciary Trial Court may appeal to the Judiciary Court of Appeals in accordance with the Rules of Appellate Procedure.~~

~~(d) *Pursuing Payment of a Citation.* The Environmental Resource Board may pursue payment from parties who have failed to make the required payments through the garnishment process contained in the Garnishment law and/or by attaching the judgment to Tribal member's per capita payment pursuant to the Per Capita law.~~

End.

Adopted – BC-05-15-14-C
Emergency Amended – BC-07-23-14-C
Amended – BC-12-10-14-A
Emergency Amended – BC 07-08-15-C
Amended – BC-01-13-16-C
Amended – BC-07-26-17-D
Amended – BC- - - -

Title 6. Property and Land – Chapter 609
Tsi' yuhwatsya'té tewatenhotúkwa' Ukwéhuwé'ne
That of the earth one opens it up Oneida Nation

PUBLIC USE OF TRIBAL LAND

609.1.	Purpose and Policy	609.5.	Land Access Map for Tribal Lands
609.2.	Adoption, Amendment, Repeal	609.6.	Assignment and Use of Tribal Land
609.3.	Definitions	609.7.	Enforcement
609.4.	Responsibilities of Land Management		

609.1. Purpose and Policy

609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to Tribal lands.

609.1-2. *Policy.* It is the policy of the Nation to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land.

609.2. Adoption, Amendment, Repeal

609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A, BC-01-13-16-C, BC-07-26-17-D and BC-__-__-__.

609.2-2. 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.

609.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

609.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law controls.

609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal trespass under applicable law.

609.3. Definitions

609.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Designation” means the term used to describe the type of access granted to certain Tribal lands.

(b) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.

(c) “Land Management” means the entity within the Nation responsible for entering into and administering agricultural and commercial leases on behalf of the Nation, processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law.

(d) “Land Use License” means an agreement entered into by the Nation providing a tribal member the right to have gatherings within the reservation boundaries of groups larger than

seventy-five (75) people and/or an agreement between the Nation and any third-party granting said party the right to occupy and/or utilize a specified piece of land for a specific purpose and a specific duration.

(d) “Lease” means any lease or agreement, including business site leases, entered into by the Nation and any person to allow the use of Tribal lands.

(e) “Nation” means the Oneida Nation.

(f) “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of organization.

(g) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law.

(h) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

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

(j) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation 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

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

(l) “Tribal Land” means all of the Nation’s trust lands, and any land or interest in land held by the Nation in fee or in any other form on the Reservation.

609.4. Responsibilities of Land Management

609.4-1. Land Management shall be delegated the duty and power to carry out the intent and purposes of this law.

609.4-2. *Administrative Rulemaking.* Land Management shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop rules which address:

- (a) The development, approval, and maintenance of the Land Access Map;
- (b) The allocation and assignment of land uses for all Tribal land;
- (c) Issuance of land use licenses;
- (d) Issuance of easements;
- (e) A fine and penalty schedule for violations of this law and its corresponding rules; and
- (f) Any other rule needed to implement or interpret the provisions of this law.

609.4-3. *Consultation.* Land Management shall consult with the Land Assessment Team on the development of all administrative rules.

(a) *Land Assessment Team.* The Land Assessment Team shall be comprised of the following professionals employed by the Nation:

- (1) Land Management Senior Management;
- (2) Planning and Development Area Manager;
- (3) Environmental Specialist;
- (4) Tribal Historical Preservation Officer;
- (5) GLIS Specialist;
- (6) Zoning Administrator;
- (7) Other subject matter experts based on the characteristics of the parcel to

include:

- (A) If there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager.

609.5. Land Access Map for Tribal Lands

609.5-1. *Designation of Tribal Lands.* A Land Access Map shall be created which designates Tribal land as one (1) of the following:

(a) *Limited Access.*

(1) Land Management may choose to designate a portion of land as Limited Access in order to manage, preserve, and protect that land for environmental, cultural, or other significance.

(2) Lands designated as Limited Access shall be open to all persons who are granted land access permission by the Nation for specified purposes.

(b) *Oneida Community Access.*

(1) Land Management may choose to designate land as Oneida Community Access in order to manage, preserve, and protect access to locations that have cultural or environmental significance.

(2) Lands designated as “Oneida Community Access” shall be open to:

- (A) Tribal members;
- (B) spouses and descendants of Tribal members;
- (C) members of other federally recognized Indian tribes, bands or communities;
- (D) authorized employees of the Nation; and
- (E) persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.

(c) *Oneida Tribal Member Access.*

(1) Land Management may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural, and/or environmental significance of the land.

(2) Lands designated as Oneida Tribal Member Access are open to Tribal members only.

(d) *Open.*

(1) Land Management may designate land as Open Access where such designation is deemed beneficial to the Nation and where such designation does not pose significant risk of damage to the Nation’s policies and/or the land’s cultural or environmental preservation.

(2) Lands designated as Open Access are generally open to all persons for the land’s designated use and enjoyment.

609.5-2. *General Land Designation.* Unless otherwise designated, Tribal land is designated as limited access.

609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

- (a) Employees of the Nation who are performing their job duties;
- (b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Nation;
- (c) Emergency personnel who are providing, or attempting to provide, services; and

(d) Those persons who have been granted access to the land by Land Management.
609.5-4. *Accessibility of Land Access Map*. Land Management shall ensure that the Land Access Map is made digitally available on the Nation's website.

609.6. Assignment and Use of Tribal Land

609.6-1. *Assignment of Land Uses*. Land Management shall be responsible for allocating and assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent practices and expectations for Land Management's reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

609.6-2. *Permissible and Prohibited Uses for Tribal Land*. As it deems appropriate, Land Management may prescribe permissible and/or prohibited uses for Tribal land;

(a) Such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance.

(b) Upon establishment of permissible and/or prohibited uses, Land Management shall post notice of such uses on the affected Tribal Land.

(1) Any postings of land shall be done in accordance with the requirements of the Real Property law.

609.6-3. *Land Use License*. Land Management shall be responsible for creating a process for accepting, reviewing, and approving or denying land use license application requests.

609.6-4. *Easements*. Land Management shall be responsible for creating a process for accepting, reviewing, and approving or denying easement application requests.

609.7. Enforcement

609.7-1. An Oneida Police Department officer or warden may require a person to provide proof of eligibility to use any designated Tribal lands.

609.7-2. *Issuance of a Citation*. An individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer or warden.

(a) A citation for a violation of this law 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.

Adopted – BC-05-15-14-C
Emergency Amended – BC-07-23-14-C
Amended – BC-12-10-14-A
Emergency Amended – BC 07-08-15-C
Amended – BC-01-13-16-C
Amended – BC-07-26-17-D
Amended – BC-__-__-__-__



Legislative Operating Committee
September 3, 2025

Sanctions and Penalties Law

Submission Date: 10/15/14	Public Meeting: 10/4/18, 1/7/20, 6/13/25
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a

Summary: *This item has been carried over from the last three (3) terms. The original proposal was to develop a new law which provides a consistent process for how members of the Oneida Business Committee and other boards, committees and commissions face sanctions for misconduct. This law would provide a process for complaints to be filed with the Judiciary against an elected member of a board, committee, or commission of the Nation – including the Oneida Business Committee.*

The development of a Sanctions and Penalties law was also addressed as a referendum. During the Special Election held on July 9, 2016, the Nation's voting membership was asked to consider a referendum question of "Should the BC develop a law which provides for sanctions and due process for elected officials?" This referendum question was approved by a vote of one hundred and seventy-eight (178) to fifty-nine (59), requiring this topic to come before the GTC for consideration and discussion.

On March 17, 2019, the Sanctions and Penalties 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. The LOC intended to include this item on the July 2020 Semi-Annual General Tribal Council meeting agenda before all General Tribal Council meetings were canceled due to COVID-19.

10/15/14 LOC: Motion by Tehassi Hill to add the OBC Sanctions Policy to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

11/5/14 LOC: Motion by Jennifer Webster to forward the BC Sanctions and Penalties to an LOC work meeting, with invitations to be sent to the rest of the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.

1/15/15: *Work meeting held.* Attendees include: Candice Skenandore, Danelle Wilson, Tani Thurner, Fawn Billie, Fawn Cottrell, Jennifer Webster, RC Metoxen, Brandon Stevens, Tehassi Hill, Jacob Metoxen, Melinda Danforth.

10/19/16: *Quarterly Sponsor Update Meeting.* Present: Brandon Stevens, Jennifer Falck, Clorissa Santiago, Maureen Perkins, and Tani Thurner. Tehassi wants to meet with LOC Chair to discuss how this item relates to the Code of Ethics. That meeting is scheduled for 11/10/16.

11/10/16: *Work Meeting held.* Present: Tehassi Hill, Tani Thurner, Clorissa Santiago, Brandon Stevens, Jennifer Falck. Group agreed that we need a work meeting to discuss; Sanctions & Penalties, Comprehensive Policy, Removal Law(s), and Code of Ethics.

11/29/16: *Work Meeting held.* Present: Fawn Billie, Brandon Stevens, Clorissa Santiago, Tehassi Hill, Tani Thurner, Jenny Webster, David Jordan, Jo Anne House, Candice Skenandore, Lisa Liggins, Jen Falck. Meeting was facilitated by Jessica Wallenfang. This was a facilitated meeting designed to discuss; Sanctions & Penalties, Removal, Code of Ethics, and Comprehensive Policy simultaneously. The group reviewed each law or draft for similarities, and discussed shared elements. The group asked that 1) the LRO complete that work, 2) then check with Jenny Webster as the sponsor of Comprehensive Policy, and 3) schedule another work meeting.

2/15/17 LOC: Motion by Jennifer Webster to upgrade the Domestic Animals Ordinance Amendments, the Children's Code, Code of Ethics Amendments, and the Sanctions and Penalties Law from medium priority to high priority; seconded by Tehassi Hill. Motion carried unanimously.

2/17/17: *Work meeting held.* Attendees include Fawn Billie, Jennifer Falck, Leyene Orosco, Brandon Stevens, Tani Thurner, Jennifer Webster, Tehassi Hill, Candice Skenandore, Cathy Bachhuber

5/2/17: *Work meeting held.* Attendees include Fawn Billie, Jennifer Falck, Brandon Stevens, Tani Thurner, Jennifer Webster, Tehassi Hill, David P. Jordan, Danelle Wilson, Jo Anne House

5/5/17: *Work meeting held.* Attendees include Jennifer Webster, Jennifer Falck, and Tani Thurner.

6/7/17 LOC: Motion by Fawn Billie to forward the Sanctions and Penalties Law to the Legislative Reference Office for a legislative analysis to be brought back for the July 5, 2017 LOC meeting; seconded by David P. Jordan. Motion carried unanimously.

7/7/17: *Work meeting held.* Present: Steve Webster, Tani Thurner, Jen Falck, Candice Skenandore

7/19/17 LOC: Motion by Jennifer Webster to accept the memo regarding the Sanctions & Penalties Legislative Analysis and direct the LRO to bring the analysis back when it's complete; seconded by David P. Jordan. Motion carried unanimously.

Note: it is the recommendation of the Legislative Operating Committee that when this item is presented to the Business Committee, that the Business Committee then present this item to General Tribal Council.

7/26/17 OBC: Motion by Tehassi Hill to accept the legal opinion regarding development of a law which provides for sanctions and due process for elected officials, seconded by Brandon Stevens. Motion carried unanimously.

9/6/17 LOC: Motion by Ernest Stevens III to add Sanctions and Penalties Law to the active files list with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

9/6/17: *Work Meeting.* Present: David P. Jordan, Jenny Webster Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner. Drafting attorney provided an update on the status of the Sanctions and Penalties law. Next steps will be: 1) pull the current draft back, 2) hold community meetings to understand what sanctions/penalties the community is interested in, 3) meeting with the boards/committees/commissions for input, and 4) holding work meeting with LOC to make policy decisions and choose next steps.

11/1/17 LOC: Motion by Kirby Metoxen to 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.

11/1/17: *Work Meeting.* Present: Carol Silva, Bonnie Pigman, Ed Delgado, Rachel Hill, Matthew Denny, Reynold Danforth, Kirby Metoxen, Rosa Laster, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Jennifer Falck. Representatives from all the B/C/C's were invited to this meeting to provide input on what a Sanctions & Penalties Law might look like.

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

ONEIDA

- 12/6/17:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa Santiago, Jennifer Falck. The LOC reviewed and considered comments from the November 1, 2017, work meeting with boards, committees, and commissions. LOC began making policy decisions. Drafter will work on draft, and policy options, and bring materials back to LOC when ready.
- 3/9/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Laura Laitinen-Warren. LOC reviewed the first draft of the law, and directed that the LRO schedule a community meeting, with a special invitation to members of boards, committees, and commissions, to discuss the proposed law.
- 3/16/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. The LOC reviewed the potential date for the community meeting, and directed the drafting attorney to schedule the community meeting for May 3, 2018, and to ensure the notice is published in the Kalihwisaks twice, an appointment is sent to all members of the LOC and boards, committees, and commissions, and that the Communications Department is included in the appointment so they can make efforts to communicate notice of the event.
- 4/2/18 LOC:** Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a community meeting/potluck be held on May 3, 2018; seconded by Daniel Guzman King. Motion carried unanimously.
- 4/26/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck. This was an LRO prep meeting to prepare a plan for the upcoming community meeting.
- 4/27/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Cathy Bachhuber, Tani Thurner. The purpose of this work meeting was to prepare for the upcoming community meeting.
- 5/2/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck, David P. Jordan, Jennifer Webster. The LOC continued to prepare and discuss the upcoming community meeting.
- 5/3/18:** *Community Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Maureen Perkins, Carol Silva, Chad Wilson, Janice McLester, Gina Buenrostro, Winnifred Thomas, Brooke Duxtator, Ed Delgado, Oyanolu Adams, Michelle Braaten, Mark Powless, Cathy L. Metoxen, Carole Liggins, Madelyn Genskow. The purpose of this community meeting was to gain input on the proposed Sanctions and Penalties law.
- 5/11/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman, Clorissa Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to review the comments received during the community meeting, and to determine if any revisions should be made to the law. The drafting attorney will update the draft of the law based on this discussion.
- 5/16/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Laura Laitinen-Warren. The purpose of this work meeting was to review and discuss the revisions to the draft made based on comments collected from the community meeting. Drafting attorney will update the draft.
- 6/6/18/ LOC:** Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a legislative analysis be completed; seconded by Ernest Stevens III. Motion carried unanimously.

- 7/9/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Brooke Doxtator. The purpose of this work meeting was to review the BCSO's involvement in the Sanctions and Penalties law to ensure their role can be implemented as required by law.
- 7/18/18 LOC:** Motion by Kirby Metoxen to accept the legislative analysis for the Sanctions and Penalties Law and defer to a work meeting; seconded by Daniel Guzman King. Motion carried unanimously.
- 8/1/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to review and consider the legislative analysis.
- 8/15/18 LOC:** Motion by Jennifer Webster to approve the public meeting packet and forward the Sanctions and Penalties Law to a public meeting to be held on September 20, 2018; seconded by Kirby Metoxen. Motion carried unanimously.
- Subsequent Motion by Jennifer Webster to forward the Sanctions & Penalties Law to the Finance Office for a fiscal analysis to be completed; seconded by Kirby Metoxen. Motion carried unanimously.
- 9/10/18:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Kristen Hooker, Cathy Bachhuber, Maureen Perkins. The purpose of this work meeting was to discuss the fact that the September 20, 2018 public meeting on the proposed law will have to be canceled due to the Kalihwisaks failing to publish the public meeting notice in the September 6, 2018, edition. The LOC determined the next steps for moving the public meeting forward – an e-poll of an updated public meeting notice will be completed and the appointment that was sent out changed to reflect the new date.
- E-poll conducted.
- 9/19/18 LOC:** Motion by Daniel Guzman King to enter the e-poll results into the record; seconded by Jennifer Webster. Motion carried unanimously.
- 10/4/18:** Public Meeting Held.
- 10/17/18 LOC:** Motion by Jennifer Webster to accept the public meeting memo comments and public meeting comment review memorandum and defer to a work meeting; seconded by Daniel Guzman King. Motion carried unanimously.
- 10/17/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Rosa Laster. The purpose of this work meeting was for the LOC to begin reviewing and considering the public comments that were received, and to make determinations on what revisions to the Law are necessary.
- 10/25/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was for the LOC to continue reviewing and considering the public comments that were received, and to make determinations on what revisions to the Law are necessary. LRO will update the draft for the next LOC packet so a fiscal analysis can be requested.
- 11/7/18 LOC:** Motion by Jennifer Webster to accept the public comment review memorandum and the updated draft; seconded by Daniel Guzman King. Motion carried unanimously.
- 11/30/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and approve the fiscal impact statement request memorandum to the Finance Department, and begin discussing a plan for the completion of this item.

12/5/18 LOC: Motion by Jennifer Webster to accept the updated legislative analysis, including the replacement of page 159 in the packet; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Kirby Metoxen to approve the fiscal impact statement memorandum and forward to the Finance Department directing that a fiscal impact statement of the proposed Sanctions and Penalties law be prepared for inclusion on the January 2, 2019 Legislative Operating Committee meeting agenda; seconded by Daniel Guzman King. Motion carried unanimously.

12/20/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Randall Cornelius. The purpose of this work meeting was to discuss traditional ways Oneida has sanctioned its leaders.

1/2/19: *Work Meeting.* Present: Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the adoption packet and discuss any changes that should be made. LRO will update all adoption materials.

1/7/19 LOC: Motion by Kirby Metoxen to approve the adoption packet for the proposed Sanctions and Penalties Law and forward 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; seconded by Ernest Stevens III. Motion carried unanimously.

1/24/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins. The purpose of this work meeting was to review and discuss an article to be included in the 2/7 Kalihwisaks edition.

1/29/19: E-Poll conducted.

2/4/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck, Nathan Wisneski, Xavier Horkman. The purpose of this work meeting was to discuss the creation of a promotional video for the Sanctions and Penalties law.

Work Meeting. Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the script for the Sanctions and Penalties law PowerPoint presentation. The LOC also discussed filming a promotional video for the Sanctions and Penalties law.

2/6/19 LOC: Motion by Jennifer Webster to enter the results of the January 29, 2019 e-poll entitled "E-poll Request: Sanctions and Penalties Law February 7, 2019 Kalihwisaks Article" into the record; seconded by Kirby Metoxen. Motion carried unanimously.

2/6/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, as well as review and approve the script for the promotional video.

2/8/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Phil Wisneski. The purpose of this work meeting was to film the promotional video for the Sanctions and Penalties law.

2/14/19: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Cathy Bachhuber. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, as well as review the "FAQ" sheet.

- 2/20/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Daniel Guzman, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, practice responding to potential questions, and review and approve the Sanctions and Penalties law promotional video.
- 3/1/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the engagement with the informational video, practice the LOC's PowerPoint presentation, and prepare to answer potential questions that may be asked at the upcoming GTC meeting.
- 3/15/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. The purpose of this work meeting was to practice the LOC's PowerPoint presentation and prepare to answer potential questions that may be asked at the upcoming GTC meeting.
- 3/17/19 GTC:** Motion by Cathy L. Metoxen to table this item for sixty (60) days. Motion ruled out of order by Vice-Chairman Brandon Stevens; all the materials are available today in order to make a decision
- Motion by Becky Webster to adopt the resolution entitled Sanctions and Penalties Law on pages 5 and 6 of the meeting packet; with the amendment to the law to limit those who have standing to file a complaint to Tribal Members only. Seconded by Jamie Willis. Motion not voted on; item deferred, see amendment.
- Amendment to the main motion by Mike Debraska to defer item IV.A. for at least sixty (60) days for GTC to have additional time to consider it and have input. Seconded by Tina Danforth. Motion carried by show of hands.
- 3/20/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to debrief on the 3/17 GTC meeting, and begin discussing a plan for how to move this law forward, and the additional outreach we will conduct.
- 3/28/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Rosa Laster. The purpose of this work meeting was to briefly discuss potential ideas for additional outreach videos that can be made before this item is presented to the GTC again for consideration. Ernie expressed interest in taking a larger role in the creation of development of these videos.
- 5/1/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss a plan for outreach events the LOC can hold, and a plan for when this item might be presented to GTC again. The LRO was directed to move forward with developing a Kalihwisaks article that discusses outreach and provides a schedule of the new outreach dates.
- 6/13/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville, Laura Laitinen-Warren. The purpose of this work meeting was to review the community outreach notice that will be published in the Kalihwisaks and discuss the outreach plan.
- 6/19/19 LOC:** Motion by Jennifer Webster to approve the community outreach notice for the Sanctions & Penalties law with one noted change, and forward to the Kalihwisaks for publication in the July 3, 2019 Kalihwisaks edition; seconded by Ernest Stevens III. Motion carried unanimously.

- 7/11/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Radisson Hotel and Conference Center. The LOC had a booth set up with a poster of information as well as a flyer, copy of the law, and FAQs. LRO staff members Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville and Maureen Perkins were available to answer questions and take comments. Although flyers and the provided information were taken from the booth or passed out to people, no input as to the law was collected.
- 7/17/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Norbert Hill Center's Business Committee Conference room. The LOC had a booth set up with a poster of information as well as a flyer, copy of the law, and FAQs. LOC member David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, and Daniel Guzman King, as well as LRO staff members Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, and Destiny Prendiville were available to answer questions and take comments. No one attended this community outreach event.
- 8/9/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Veteran's Breakfast. Staff in attendance included David P. Jordan, Kirby Metoxen, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. Kirby gave an introduction and then held discussion with the community members in attendance at the Veteran's Breakfast.
- 8/15/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Oneida Farmer's Market. Staff in attendance included David P. Jordan, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The LOC had a booth at the farmer's market with a poster of information as well as a flyer, copy of the law, and FAQs.
- 8/21/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss the outreach efforts that have occurred, and determine whether the LOC is interested in holding more outreach events. The LOC determined that two more outreach events will be held.
- 9/4/19 LOC:** Motion by Jennifer Webster to approve the community outreach notice and article for the Sanctions and Penalties Law, and forward to the Kalihwisaks for publication in the September 19, 2019, edition; seconded by Ernest Stevens III. Motion carried unanimously.
- 9/19/19:** Article and community outreach event notice published in the Kalihwisaks.
- 10/7/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Elder Services Congregate Meal Site over the lunch hour. Staff in attendance included: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. Kirby gave an introduction and then opened up for discussion of any questions the community members in attendance had.
- 10/16/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss the 10/18/19 outreach event in Milwaukee and begin planning for how the LOC wants to present this item to GTC again. All materials will have to be submitted to the OBC by November 18, 2019, for inclusion on the annual GTC meeting agenda.
- 10/18/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the SEOTS building in Milwaukee. Those in attendance included: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Clorissa N. Santiago,

Brandon Wisneski, Mike Debraska. Kirby gave an introduction, and then the LOC and Mike Debraska reviewed the law line by line stopping for questions and discussion.

10/31/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to strategize how the LOC would like to present this law again to the GTC, and review and discuss the first draft of a memo that can be included in the GTC materials.

11/6/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jameson Wilson. The purpose of this work meeting was to provide a brief update that the LRO will be holding a work meeting with the Communications Department on Thursday, November 7, 2019, to discuss the development of the multi-media presentation for the January 2020 GTC meeting.

11/15/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to finalize the memo that would be presented to the GTC on January 20, 2020. LRO will conduct an e-poll of the memo today so that the materials can be forwarded to the OBC.

11/15/19: *E-Poll Conducted.* E-Poll was titled "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.

11/19/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Xavier Horkman. The purpose of this work meeting was to begin collaborations between the LOC and the Communications Department on the development of a multimedia presentation for the January 2020 GTC meeting.

11/20/19 LOC: Motion by Kirby Metoxen to enter the November 15, 2019, Sanction and Penalties Law material for the January 20, 2020, GTC Meeting E-Poll results into record; seconded by Daniel Guzman King. Motion carried unanimously.

11/20/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to update the LOC on the collaboration with the Communications Department on the development of a multimedia presentation for the January 20, 2020, annual GTC meeting. LOC also discussed potential ideas for a Sanctions and Penalties law promotional video.

11/26/19 OBC: Motion by Lisa Summers to approve back to the Legislative Operating Committee, for General Tribal Council consideration, number one (1) as identified in the request [on page 90 of the meeting packet], seconded by David P. Jordan. Motion withdrawn.

Motion by Daniel Guzman King to defer 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, seconded by Ernie Stevens III. Motion carried

11/26/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, JoAnne House. The purpose of this work meeting was to consider the discussion that occurred at the OBC meeting and determine a new strategy for moving this item forward. The LOC directed that an updated memo, draft, legislative analysis, resolution, and statement of effect be developed for inclusion on the December 4, 2019, special OBC meeting.

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- 12/2/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to review the updated draft and memo and determine if there were any other considerations that needed to be made by the LOC before this item moves forward.
- 12/4/19 LOC:** Motion by Jennifer Webster to approve the January 20, 2020 General Tribal Council Meeting materials with one change and forward to the Oneida Business Committee; seconded by Ernest Stevens III. Motion carried unanimously.
- 12/4/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to discuss the community comments that were made during today's LOC meeting, and discuss a strategy for moving this item forward. LOC directed that an e-poll be conducted to rescind the earlier Sanctions and Penalties law motion, so that the materials are not sent to the December 4, 2019, special OBC meeting for inclusion in the January 20, 2020, General Tribal Council meeting. Instead, the LOC wants to bring the proposed changes to a public meeting, finalize a draft, and request an updated fiscal impact statement, and bring an updated packet to the tentative March 2020 special GTC meeting.
- 12/4/19:** *E-Poll Conducted.* E-Poll was titled "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.
- 12/4/19 OBC:** Motion by David P. Jordan to adopt with two (2) changes [1) delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header, item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings), seconded by Jennifer Webster. Motion carried.
- 12/9/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to confirm what the LOC wants to see in the proposed Sanctions and Penalties for Elected Officials law draft that will be sent to a public meeting. LRO will prepare an e-poll for the PM materials to be completed before December 12, 2019.
- 12/10/19:** *E-Poll Conducted.* E-Poll was titled "Approval of January 7, 2020, Public Meeting for the Sanctions and Penalties for Elected Officials Law." The requested action of this e-poll was to approve the public meeting packet and forward the Sanctions and Penalties for Elected Officials law to a public meeting to be held on January 7, 2020. The e-poll was approved by Kirby Metoxen, Jennifer Webster, David P. Jordan, and Daniel Guzman King. Ernest Stevens III did not provide a response.
- 12/18/19 LOC:** Motion by Jennifer Webster to enter into the record the December 4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019, LOC action; seconded by Kirby Metoxen. Motion carried unanimously.
- Motion by Ernest Stevens III to enter into the record the December 10, 2019, E-poll results for the Sanctions and Penalties law – approval of a public meeting; seconded by Jennifer Webster. Motion carried unanimously.
- 1/7/20:** *Public Meeting Held.* Present: David P. Jordan, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins, Lee Cornelius, Bonnie Pigman, Ralinda Ninham-Lamberies, Kermit Valentino, Debra Valentino. One (1) person provided oral comments during the public meeting.

- 1/8/20:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Xavier Horkman. The purpose of this work meeting was to discuss and plan for the development of the Sanctions and Penalties Law for Elected Officials law video presentation for the March 16, 2020, General Tribal Council meeting.
- 1/14/20:** *OBC Work Session.* The purpose of attending this Oneida Business Committee work session was to provide the Oneida Business Committee an update on why the Sanctions and Penalties law materials would be a handout at the January 22, 2020, Oneida Business Committee meeting.
- 1/14/20:** *Public Comment Period Closed.* Two (2) submissions of written comments were received during the public comment period.
- 1/14/20:** *OBC Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Ernest Stevens III, Brandon Stevens, Patricia King, Lisa Liggins, JoAnne House, Jennifer Falck, Clorissa N. Santiago, Laura Laitinen-Warren. The purpose of this work meeting was to provide the Oneida Business Committee an update on why the Sanctions and Penalties law materials would be a handout at the January 22, 2020, Oneida Business Committee meeting.
- 1/15/20 LOC:** Motion by Ernest Stevens III to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.
- 1/15/20:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and consider all the public comments that were received. The LOC also discussed the plan for e-polls and approving the materials.
- 1/15/20:** *E-Poll Conducted.* E-Poll was titled “Approval of the Sanctions and Penalties for Elected Officials Law Updated Materials and Fiscal Impact Statement Request Memorandum.” The requested action of this e-poll was to Approve the updated public comment review memorandum, draft, legislative analysis, and fiscal impact statement request memorandum, and forward the fiscal impact statement request memorandum, with accompanying draft and legislative analysis, to the Finance Department directing that a fiscal impact statement of the proposed Sanctions and Penalties for Elected Officials law be prepared and submitted to the Legislative Operating Committee by January 20, 2020.. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen. Daniel Guzman King did not provide a response.
- 1/20/20:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the adoption memo, resolution, and statement of effect for the Sanctions and Penalties for Elected Officials law.
- 1/21/20:** *E-Poll Conducted.* E-Poll was titled “Approval of the Sanctions and Penalties for Elected Officials Law Adoption Packet.” The requested action of this e-poll was to “Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion on the tentative March 2020 Special General Tribal Council meeting agenda.” The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen, and Daniel Guzman King.
- 1/21/20:** *E-Poll Conducted.* E-Poll was titled “Rescission of the January 21, 2020, LOC Motion Approving the Sanctions and Penalties for Elected Officials Law Adoption Packet.” The requested action of this e-poll was to “Rescind the January 21, 2020, Legislative Operating Committee motion to ‘Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion 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.

1/22/20 OBC: Motion by Ernie Stevens III to adopt 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], seconded by Jennifer Webster. Motion carried.

2/5/20 LOC: Motion by Jennifer Webster to enter into record the e-poll results: Sanctions and Penalties for Elected Officials Law – Approve Updated Materials and Fiscal Impact Statement Request; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to Ratify the January 21, 2020, e-poll results into record; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to 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; seconded Daniel Guzman King. Motion carried unanimously.

10/4/23 LOC: Motion by Marlon Skenandore to add the Sanctions and Penalties Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

12/6/23: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Maureen Perkins, Fawn Cottrell, Kristal Hill. The purpose of this work meeting was to review the draft of the Sanctions and Penalties law.

1/29/24: *E-Poll Conducted.* This e-poll was 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. This e-poll was unanimously approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.

2/7/24 LOC: Motion by Jennifer Webster to enter into the record the results of the January 29, 2024, e-poll titled, *Approval of the March 6, 2024 LOC Community Meeting Notice*; seconded by Jonas Hill. Motion carried unanimously.

3/6/24: *Work Meeting.* Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to practice the PowerPoint presentation for the March 6, 2024, community meeting for the Oneida Personnel Policies and Procedures Amendments, Sanctions and Penalties Law, and the Eviction and Termination law amendments.

3/6/24: *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins, Francine Valentino, Melanie Burkhart, Gina Buenrostro, Peggy Helm-Quest, Michelle Sawyer, Nadine Escamea, Bonnie Pigman, Olivia Pigman, Julie Denny, Michelle Hill, Vicky Matson, Greg Matson, Julie Behnke, Lynn Metoxen, Jake Doxtator, Kay Keshena, Connie Vandehei, Jen Falck, Lillian Wheelock, Dale Wheelock, Stephanie Smith, Patricia Hoeft, Scott Denny, Dana McLester, Wendy Alvarez, Dana Thyssen, Todd Vanden Heuvel, Larry Barton, Merissa Bloedorn, Lois Stevens, Mark Powless, Linda Dallas, Jake, Peggy Van Gheem, Mary Loeffler, Matthew J. Denny, Nancy Barton, Brittany Kulow, Mary Adams, Cathy Metoxen, William Gollnick, 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 Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments.

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 debrief the March 6, 2024, community meeting and determine the next steps to move these legislative items forward.

1/10/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Lisa Liggins, Lawrence Barton, Tehassi Hill, Fawn Cottrell, Fawn Billie, Maureen Perkins. The purpose of this work meeting was to review the draft of the Law and determine next steps for moving this item forward.

2/19/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the updated draft of the Law and finalize next steps for moving this item forward.

3/5/25 LOC: Motion by Jennifer Wester to approve the updated draft and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

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

4/2/25: *Community Work Session.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Fawn Cottrell, Kristal Hill, Janice Decorah, Bonnie Pigman, Cathy Metoxen, Ethel Marie Cornelius, Heidi Janowski, Eric Boulanger, Yasiman Metoxen, Blake Whitney, Michelle Tipple, Melinda J. Danforth, Mary C. Graves, Derrick King, Hon. Patricia Hoeft, Lloyd Ninham, Connor Kestell, Kimberly Skenandore. A community work session was held in the NHC BC Conference Room and on Microsoft Teams. The purpose of this community work session was to read through the Sanctions and Penalties law line-by-line and allow the community the opportunity to ask questions and provide input on this proposed law.

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 discuss the community work session and determine next steps for moving this item forward.

5/1/25: *E-Poll Conducted.* This e-poll was titled, Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice. The requested action of this e-poll was to 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; and approve the Summer LOC Community Meeting Notice and schedule a community meeting to be held on June 4, 2025. This e-poll was approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, and Kirby Metoxen.

5/7/25 LOC: Motion by Jennifer Webster to enter into the record the results of the May 1, 2025, e-poll entitled, Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice; seconded by Marlon Skenandore. Motion carried unanimously.

6/13/25: *Public Meeting Held.* Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz, Jameson Wilson, Ralinda Ninham-Lambert, Daniel Habeck, Courtney Georgia, Jameson Wilson, Peggy Helm-Quest, Shannon Mousseau, Michelle Tipple, Fawn Billie, Marlon Skenandore, Joel Maxam, Rae Skenandore. No individuals provided oral comments during the public meeting.

6/20/25: *Public Comment Period Closed.* No individuals provided written comments during the public comment period.

7/2/25 LOC: Motion by Jennifer Webster to approve the public comment review memorandum, draft, and legislative analysis; seconded by Jonas Hill. Motion carried unanimously.

Motion by Kirby Metoxen 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 July 30, 2025; seconded by Marlon Skenandore. Motion carried unanimously.

7/15/25: *Fiscal Impact Statement Received.* The Finance Department provided the fiscal impact statement to the LOC on July 15, 2025.

Next Steps:

- Approve the adoption packet for the proposed Sanctions and Penalties law and forward to the Oneida Business Committee for inclusion on an upcoming General Tribal Council meeting agenda for consideration.



TO: General Tribal Council
FROM: Jameson Wilson, Legislative Operating Committee Chairman
DATE: September 3, 2025
RE: Adoption of the Sanctions and Penalties Law

Please find the following attached backup documentation for your consideration of the adoption of the Sanctions and Penalties law:

1. Resolution: Adoption of the Sanctions and Penalties Law
2. Statement of Effect: Adoption of the Sanctions and Penalties Law
3. Sanctions and Penalties Law Legislative Analysis
4. Sanctions and Penalties Law
5. Sanctions and Penalties Law Fiscal Impact Statement

Overview

If an elected official of the Nation engages in misconduct while in office the only remedy available to hold the official accountable is to remove that official from their position. The removal of an elected official is required to follow the process contained in the Nation's Removal law, which includes a petition, a preliminary review and hearing by the Nation's Judiciary, and ultimately a determination by the General Tribal Council (GTC). [1 O.C. 104].

Other than removal, the Nation does not currently have a formal process to issue warnings, reprimands, or corrective actions against elected officials. The Legislative Operating Committee (LOC) recognizes that not all instances of misconduct by an elected official may rise to the level of removal. The LOC also determined that a more effective government can be obtained if officials are provided the opportunity to take accountability for their actions and correct the behavior that resulted in misconduct, which may result in the individual becoming a better official.

The desire for a process to be able to better hold officials accountable for misconduct in office has been discussed within the Nation for more than twenty (20) years. From 2016 to 2019, the GTC has discussed sanctioning an official, whether through suspension or loss of stipend or wage, during at least eleven (11) GTC meetings. The requests to sanction an official have often times been declined due to the fact that the Nation lacks a law that allows for an official to be sanctioned for misconduct while still protecting the due process rights of that official. In November 2018 the GTC even considered a petition regarding "*Rescinding the Removal law*" for the purpose of addressing disciplinary actions such as suspensions or removals of officials through an easier process than what the Removal law provides. The GTC was asked again to consider a petition regarding the repeal of the removal law in 2023.

Additionally, providing an elected official the opportunity to correct misconduct and improve behavior aligns with traditional Oneida ways. The LOC learned through discussions with the Cultural Heritage Department that in the past a chief would be provided three (3) warnings in hope of improving the chief's behavior before the chief was dehorned or removed from his position of

prominence. The focus of the warnings before the removal of the official was to provide an opportunity for corrective action to be taken that had the potential to result in a better official before removal of that official was sought. The LOC is seeking the adoption of this Sanctions and Penalties law in an effort to provide a mechanism for utilizing corrective actions to address the misconduct of officials and allow an opportunity for growth and improvement before removal or termination of appointment.

Furthermore, during the special election held on July 9, 2016, a referendum question which asked, “*Should the BC develop a law which provides for sanctions and due process for elected officials?*” was included on the ballot. This referendum question was approved by a vote of one hundred and seventy-eight (178) to fifty-nine (59). This positive referendum further demonstrates the Nation’s desire to develop a process to address misconduct of officials prior to seeking removal.

On March 17, 2019, the LOC presented a proposed Sanctions and Penalties law to the GTC. The GTC was asked to consider the adoption of the Sanctions and Penalties law which would establish a set of sanctions and penalties that may be imposed upon all elected and appointed officials of the Nation for misconduct in office, including the Oneida Business Committee (OBC). After discussion on the proposed Sanctions and Penalties law, the GTC took the following actions:

- *Motion by Becky Webster to adopt the resolution entitled Sanctions and Penalties Law on pages 5 and 6 of the meeting packet; with the amendment to the law to limit those who have standing to file a complaint to Tribal Members only. Seconded by Jamie Willis. Motion not voted on; item deferred, see amendment.*
- *Amendment to the main motion by Mike Debraska to defer item IV.A. for at least sixty (60) days for GTC to have additional time to consider it and have input. Seconded by Tina Danforth. Motion carried by show of hands.*

The LOC complied with the GTC directive to have additional time for the membership to consider the Sanctions and Penalties law and provide input, and was prepared to bring back a revised Sanctions and Penalties law to the GTC for consideration in Spring of 2020. Unfortunately, due to the emergence of the COVID-19 pandemic, the Nation was not able to hold GTC meetings for years based on public health and safety concerns.

The LOC is now prepared to present a revised Sanctions and Penalties law to the GTC for consideration.

Sanctions and Penalties Law

This proposed Sanctions and Penalties law establishes a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office for the purpose of providing an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

The Sanctions and Penalties law will:

- Require an elected official of the Nation to behave in a manner that promotes high standards of conduct. *[1 O.C. 120.4-1]*;
- Subject an elected official of the Nation to sanctions and penalties for behaving in a manner that constitutes misconduct, which is defined as:

- a violation of the Constitution or any of the Nation’s laws, policies, or rules;
- a violation of the bylaws, standard operating procedures or other internal operating documents that govern the entity upon which the official serves; and
- a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law. [1 O.C. 120.4-2];
- Provide a process for filing a complaint, including:
 - who may file a complaint [1 O.C. 120.5-1];
 - when a complaint may be filed, [1 O.C. 120.5-2];
 - where a complaint may be filed [1 O.C. 120.5-4]; and
 - the necessary contents of a complaint [1 O.C. 120.5-3];
- Prohibit retaliation against any individual who makes a complaint, is a witness to a complaint, or offers testimony or evidence [1 O.C. 120.5-5];
- Delegate the responsibility to handle complaints alleged against an elected official to the Trial Court [1 O.C. 120.6-1];
- Require all complaints alleged against an elected official to be handled in a confidential manner [1 O.C. 120.6-4];
- Allow for an individual to appeal the decision of the Trial Court to the Nation’s Court of Appeals [1 O.C. 120.6-11, 120.6-6];
- Provide various sanctions and penalties that may be imposed against an elected official [1 O.C. 120.7-2];
- Provide factors to be used by the Trial Court when determining the appropriate sanctions and/or penalties to impose [1 O.C. 120.7-3];
- Clarify that the imposition of sanctions or penalties 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 laws [1 O.C. 120.7-5];
- Discuss the effect of a resignation by an elected official [1 O.C. 120.8]; and
- Require that Judiciary maintain a record of conduct in office for each elected official [1 O.C. 120.10].

Development of the Law in Compliance with the Legislative Procedures Act

The Legislative Procedures Act (“the LPA”) was adopted by the GTC through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Sanctions and Penalties law complies 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].

Overall, since 2014, the LOC has held sixty-two (62) work meetings on the development of a Sanctions and Penalties law. The Government Administrative Office, Records Management Department, Human Resources Department, Cultural Heritage Department, and various boards, committees, and commissions of the Nation were consulted in the development of this law and participated in those work meetings. Additionally, the OC dedicated time to reviewing various laws of the Nation, in addition to the laws of seven (7) other tribal nations when developing the Sanctions and Penalties law.

In accordance with the LPA, three (3) public meetings on the proposed Sanctions and Penalties

law were held. Notices for public meetings were published in the Kalihwisaks, on the Nation's website, and electronically provided to all directors, managers, and supervisors of the Nation. On October 4, 2018, the first public meeting on the proposed Sanctions and Penalties law held. Three (3) people provided oral comments during this public meeting. The public comment period was then held open until October 11, 2018, for the submission of written comments. The LOC received four (4) submissions of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the LOC on October 17, 2018, and October 25, 2018. A second public meeting was held on January 7, 2020. One (1) person provided oral comments during the public meeting. The public comment was then held open until on January 14, 2020, for the submission of written comments. Two (2) submissions of written comments were received during the public comment period. All public comments received were accepted, reviewed, and considered by the LOC on January 15, 2020. A third public meeting for the proposed Sanctions and Penalties law was held on June 13, 2025. No individuals provided oral comments during the public meeting. The public comment period was then held open until June 20, 2025, for the submission of written comments. No individuals provided written comments during the public comment period.

The Finance Department provided fiscal impact statements for all versions of the proposed Sanctions and Penalties law on December 27, 2018, January 20, 2020, and July 15, 2025.

With all requirements of the LPA met, the GTC is ready to consider the adoption of the proposed Sanctions and Penalties law.

Additional Outreach and Communication

In addition to meeting all the requirements of the LPA, the LOC prioritized making additional efforts for outreach and communication in the development of this Sanctions and Penalties law both before and after the March 17, 2019, GTC directive.

Community Outreach Events. One way the LOC prioritized outreach and communication is by holding various community outreach events. The purpose of these community outreach events was to provide opportunities for members of the community to become more educated and informed about the proposed Sanctions and Penalties law and provide input and suggestions as to what should be addressed in the Law. Notices for these community outreach events were published in the Kalihwisaks, published on the Nation's website, shared on Facebook, shared through the Update Oneida daily e-mails, and electronically provided to all directors, managers, and supervisors of the Nation. At the community outreach events the LOC often had informational flyers, drafts of the Law, and a frequently asked questions document available for people to take and learn more. At many of the community outreach events the LOC gave a short presentation on the Sanctions and Penalties law and had open discussion on the proposed Law with those in attendance. At two (2) events the LOC even read the Sanctions and Penalties law aloud line-by-line with the community members in attendance in an effort to educate, answer questions, and collect concerns. The LOC was available during these community outreach events to answer questions and collect input from community members. The LOC held the following outreach events on the proposed Sanctions and Penalties law:

- 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.

Period for Written Submissions of Comments. Understanding that not everyone is available to attend community outreach events in person, the LOC also allowed for written comments on the proposed Sanctions and Penalties law to be submitted from July 3, 2019, until August 31, 2019, and then from September 18, 2019, until October 31, 2019. Written submissions of comments were received from two (2) individuals.

Kalihwisaks Article. Leading up to the March 17, 2019, GTC meeting the LOC published an informational article in the February 7, 2019, Kalihwisaks edition in an effort to provide the community background on why the Sanctions and Penalties law was created and information on what the Sanctions and Penalties law would do. This was an effort by the LOC to encourage the community to be prepared to discuss and consider this item. The article included the LOC's email address and encouraged individuals to contact the LOC with any questions or concerns. An article was then published in the September 19, 2019, Kalihwisaks edition for the purpose of informing the community on the various outreach efforts the LOC has made for the proposed Sanctions and Penalties law. Another article was then published in the November 7, 2019, Kalihwisaks edition for the purpose of informing the community why the LOC is the body developing the Sanctions and Penalties law. An article published in the December 19, 2019, Kalihwisaks edition highlighted the various legislative efforts the LOC made during 2019, including its efforts for the Sanctions and Penalties law and its intent to bring this Law to the GTC in March 2020. All articles encouraged the reader to contact that LOC at LOC@oneidanation.org with any questions.

Informational Video. The LOC then developed an informational video that was shared on Facebook on February 21, 2019, which provided information on the purpose of the Sanctions and Penalties law and included a link to the Nation's website for additional information, including "frequently asked questions." This video was viewed nearly four thousand (4,000) times.

Community Budget Meeting. During the October 25, 2019, Community Budget Meeting the LOC had an interactive display at the Legislative Reference Office's booth which allowed those community members in attendance to provide input by responding to the statement, "*I would support a law that would hold tribal officials accountable for misconduct.*" Individuals could respond with either a "Yep," "No," or "IDK." Thirty-seven (37) individuals responded with "Yep," four (4) individuals responded with "IDK," and no one responded with "No."

LOC Meeting Agendas. The proposed Sanctions and Penalties law was on twenty-eight (28) LOC meeting agendas since October 15, 2014, when the Sanctions and Penalties law was initially added to the LOC's Active File List. The LOC holds meetings on the first and third Wednesday of every month at 9:00 a.m. in the Norbert Hill Center Business Committee Conference Room and on Microsoft Teams. The LOC encourages members of the community to attend LOC meetings and participate in the legislative process by asking questions and/or providing input during those meetings.

Below please find a comprehensive chart that demonstrates the LOC's efforts for outreach and communication regarding the proposed Sanctions and Penalties law:

<i>EFFORTS FOR OUTREACH AND INPUT</i>	
<i>Opportunities for Input Prior to the March 17, 2019 GTC Meeting:</i>	
November 1, 2017	Work Meeting with all Boards, Committees, and Commissions Invited
May 3, 2018	Community Meeting Potluck
October 4, 2018	Public Meeting*
October 11, 2018	Public Comment Period Closed*
February 7, 2019	Article Published in the Kalihwisaks
February 21, 2019	Informational Video Posted on Facebook
<i>Opportunities for Input After the March 17, 2019 GTC Meeting:</i>	
July 11, 2019	Community Outreach Event held at the Radisson Hotel and Conference Center prior to GTC Meeting
July 17, 2019	Community Outreach Event held at the Norbert Hill Center
August 9, 2019	Community Outreach Event held during Oneida Veteran's Breakfast
August 15, 2019	Community Outreach Event held during Oneida Farmer's Market
August 31, 2019	First Period for Written Submissions Closed
September 19, 2019	Article Published in the Kalihwisaks
October 7, 2019	Community Outreach Event held at Elder Congregate Meal Site
October 18, 2019	Community Outreach Event held at SEOTS
October 25, 2019	Input Opportunity at Community Budget Meeting
October 31, 2019	Second Period for Written Submissions Closed
November 7, 2019	Article Published in the Kalihwisaks
December 19, 2019	Article Published in the Kalihwisaks
January 7, 2020	Public Meeting*
January 14, 2020	Public Comment Period Closed*
March 6, 2024	Community Outreach Event held at the Norbert Hill Center
April 2, 2025	Community Outreach Event held at the Norbert Hill Center
June 13, 2025	Public Meeting*
June 20, 2025	Public Comment Period Closed*

Conclusion

The LOC has fulfilled the March 17, 2019, GTC directive to defer this item for at least sixty (60) days for GTC to have additional time to consider it and have input. The LOC then used the input that was received from community members during the various community outreach efforts to determine how the proposed Sanctions and Penalties law should be revised to address the concerns of the community.

The LOC determined that the proposed Sanctions and Penalties law should be revised so that the OBC is removed as a hearing body for complaints. The LOC has updated the Sanctions and Penalties law to remove the OBC as a hearing body for complaints against appointed officials by removing all references to appointed officials from the Law. Now, the proposed Sanctions and Penalties law only addresses elected officials of the Nation and provides that those complaints against elected officials be handled by the Judiciary – Trial Court.

Additionally, the LOC revised the Sanctions and Penalties law to limit who can file a complaint against an elected official. Previously, drafts of the Sanctions and Penalties law allowed any individual at least eighteen (18) years of age or older who in good faith has knowledge or reason to believe that an official has committed misconduct file a complaint. The proposed Sanctions and Penalties law now also requires that an individual be an enrolled member of the Nation or an employee of the Nation in order to file a complaint against an elected official.

The LOC is once again ready for the GTC to consider the adoption of the proposed Sanctions and Penalties law.

Most other governments, including tribal, local, state, and federal, have some sort of sanctions and penalties process for officials. Through the adoption of this Sanctions and Penalties law the GTC can close the current gap by providing a process to address the misconduct of officials and empower themselves to take action to hold officials accountable.

Requested Action

Adopt the Resolution: Adoption of the Sanctions and Penalties Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

GTC Resolution # _____

Adoption of the Sanctions and Penalties Law

- 1
- 2
- 3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 4 recognized by the laws of the United States of America; and
- 5
- 6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 7
- 8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 10
- 11 **WHEREAS,** the purpose of the Sanctions and Penalties law ("the Law") is to establish a consistent set
- 12 of sanctions and penalties that may be imposed upon elected officials of the Nation for
- 13 misconduct in office in order to provide an opportunity for the official to take corrective
- 14 action to address the misconduct and promote accountability and improved performance
- 15 of the official; and
- 16
- 17 **WHEREAS,** the Law will require an elected official of the Nation to behave in a manner that promotes
- 18 high standards of conduct; and
- 19
- 20 **WHEREAS,** the Law will subject an elected official of the Nation to sanctions and penalties for behaving
- 21 in a manner that constitutes misconduct; and
- 22
- 23 **WHEREAS,** the Law will provide a process for filing a complaint alleging misconduct against an elected
- 24 official, including who may file a complaint, when to file a complaint, where a complaint
- 25 may be filed, and the necessary contents of a complaint; and
- 26
- 27 **WHEREAS,** the Law will prohibit retaliation against any individual who makes a complaint, is a witness
- 28 to a complaint, or offers testimony or evidence; and
- 29
- 30 **WHEREAS,** the Law will require all complaints alleged against an elected official to be handled in a
- 31 confidential manner; and
- 32
- 33 **WHEREAS,** the Law will delegate the responsibility to handle complaints alleged against an elected
- 34 official to the Judiciary - Trial Court; and
- 35
- 36 **WHEREAS,** the Law will allow an appeal of a decision of the Trial Court to be made to the Nation's
- 37 Court of Appeals; and
- 38
- 39 **WHEREAS,** the Law provides the various sanctions and penalties that may be imposed against an
- 40 elected official, and the factors that shall be used when determining the appropriate
- 41 sanctions and/or penalties to impose; and
- 42

GTC Resolution # _____
Adoption of the Sanctions and Penalties Law
Page 2 of 2

WHEREAS, the Law will clarify that the imposition of sanctions and/or penalties 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 laws; and

WHEREAS, the Law will provide for the effect of a resignation by an elected official; and

WHEREAS, the Law will require that the Judiciary maintain a record of conduct in office for each elected official; and

WHEREAS, the development of this Law 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.

WHEREAS, in accordance with the Legislative Procedures Act, three (3) public meetings on the proposed Law were held; and

WHEREAS, the first public meeting was held on October 4, 2018, with the public comment period being held open until October 11, 2018; and

WHEREAS, in addition to the requirements of the Legislative Procedures Act, in preparation of presenting this topic to the General Tribal Council, the Legislative Operating Committee held collaborative work meetings, held one (1) community outreach event, published one (1) article in the Kalihwisaks regarding the proposed Law, and published an information video on Facebook; and

WHEREAS, a proposed Sanctions and Penalties law was presented to the General Tribal Council for consideration on March 17, 2019; and

WHEREAS, on March 17, 2019, after discussion the General Tribal Council took action to defer this item for at least at least sixty (60) days for the General Tribal Council to have additional time to consider it and have input; and

WHEREAS, after the March 17, 2019, directive the Legislative Operating Committee held nine (9) additional community outreach events, allowed twice for the written submission of comments and questions, and published three (3) articles in the Kalihwisaks regarding the proposed Law and outreach efforts; and

WHEREAS, the second public meeting was held on January 7, 2020, with the public comment period being held open until January 14, 2020; and

WHEREAS, the third public meeting was held on June 13, 2025, with the public comment period being held open until June 20, 2025; and

NOW THEREFORE BE IT RESOLVED, that the Sanctions and Penalties law is hereby adopted and shall become effective ten (10) business days after the date of the adoption of this resolution.



Statement of Effect

Adoption of the Sanctions and Penalties Law

Summary

This resolution adopts a Sanctions and Penalties law for the purpose of establishing a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office for the purpose of providing an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

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

Date: August 28, 2025

Analysis by the Legislative Reference Office

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. This resolution adopts a Sanctions and Penalties law (“the Law”), which complies 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].

This resolution adopts the proposed Law which will 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

The Sanctions and Penalties law will:

- Require an elected official of the Nation to behave in a manner that promotes high standards of conduct. [1 O.C. 120.4-1];
- Subject an elected official of the Nation to sanctions and penalties for behaving in a manner that constitutes misconduct, which is defined as:
 - a violation of the Constitution or any of the Nation’s laws, policies, or rules;
 - a violation of the bylaws, standard operating procedures or other internal operating documents that govern the entity upon which the official serves; and
 - a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law. [1 O.C. 120.4-2];
- Provide a process for filing a complaint, including:
 - who may file a complaint [1 O.C. 120.5-1];
 - when a complaint may be filed, [1 O.C. 120.5-2];
 - where a complaint may be filed [1 O.C. 120.5-4]; and
 - the necessary contents of a complaint [1 O.C. 120.5-3];
- Prohibit retaliation against any individual who makes a complaint, is a witness to a complaint, or offers testimony or evidence [1 O.C. 120.5-5];

- Delegate the responsibility to handle complaints alleged against an elected official to the Trial Court [*1 O.C. 120.6-1*];
- Require all complaints alleged against an elected official to be handled in a confidential manner [*1 O.C. 120.6-4*];
- Allow for an individual to appeal the decision of the Trial Court to the Nation's Court of Appeals [*1 O.C. 120.6-11, 120.6-6*];
- Provide various sanctions and penalties that may be imposed against an elected official [*1 O.C. 120.7-2*];
- Provide factors to be used by the Trial Court when determining the appropriate sanctions and/or penalties to impose [*1 O.C. 120.7-3*];
- Clarify that the imposition of sanctions or penalties 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 laws [*1 O.C. 120.7-5*];
- Discuss the effect of a resignation by an elected official [*1 O.C. 120.8*]; and
- Require that Judiciary maintain a record of conduct in office for each elected official [*1 O.C. 120.10*].

In accordance with the LPA, three (3) public meetings on the proposed Law were held. On October 4, 2018, the first public meeting on the proposed Sanctions and Penalties law held. Three (3) people provided oral comments during this public meeting. The public comment period was then held open until October 11, 2018, for the submission of written comments. The LOC received four (4) submissions of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the LOC on October 17, 2018, and October 25, 2018.

In addition to the requirements of the Legislative Procedures Act, in preparation of presenting this topic to the General Tribal Council, the Legislative Operating Committee held collaborative work meetings, held one (1) community outreach event, published one (1) article in the Kalihwisaks regarding the proposed Law, and published an information video on Facebook.

The Legislative Operating Committee presented a proposed Law to the General Tribal Council for consideration on March 17, 2019. After discussion on the Law, the General Tribal Council took action to defer this item for at least sixty (60) days for the General Tribal Council to have additional time to consider it and have input.

After the March 17, 2019, directive the Legislative Operating Committee held seven (7) community outreach events, allowed for the written submission of comments and questions, and published two (2) articles in the Kalihwisaks regarding the proposed Law and outreach efforts. Based on the input received during the various community outreach events, the Legislative Operating Committee decided to revise the Law to eliminate the Oneida Business Committee as a hearing body for complaints against appointed officials by removing all references to appointed officials throughout the Law, as well as limit who can file a complaint to enrolled members of the Nation or employees of the Nation.

A second public meeting was held on January 7, 2020. One (1) person provided oral comments during the public meeting. The public comment was then held open until on January 14, 2020, for

the submission of written comments. Two (2) submissions of written comments were received during the public comment period. All public comments received were accepted, reviewed, and considered by the LOC on January 15, 2020. A third public meeting for the proposed Sanctions and Penalties law was held on June 13, 2025. No individuals provided oral comments during the public meeting. The public comment period was then held open until June 20, 2025, for the submission of written comments. No individuals provided written comments during the public comment period.

The Sanctions and Penalties law will become effective ten (10) business days after the adoption of the resolution by the General Tribal Council.

Conclusion

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



Kalihwahníla·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>	
Intent of the Law	<ul style="list-style-type: none">▪ Increase accountability among elected officials of the Nation.▪ Create a formal complaint process that allows for corrective actions against elected officials who engage in misconduct.
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 [1 O.C. 120.1-1].
Affected Entities	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.
Related Legislation	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.
Enforcement/Due Process	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.
Public Meeting	A public meeting for an earlier draft of this law was held on October 4, 2018. A second public meeting for an updated draft was held on January 7, 2020. A third public meeting for an updated draft was held on June 13, 2025.
Fiscal Impact	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, and July 15, 2025.

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">▪ Oneida Business Committee▪ Oneida Election Board▪ Oneida Gaming Commission▪ Oneida Land Claims Commission▪ Oneida Land Commission▪ Oneida Nation Commission on Aging (ONCOA)▪ Oneida Nation School Board▪ Oneida Trust Enrollment Committee▪ GTC Legal Resource Center Advocates and Attorney

**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 readmitted 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 directed 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.

- 131 ■ On January 29, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Approval*
132 *of the Sanctions and Penalties Law Kalihwisaks Article*. The requested action of this e-poll was to
133 approve the article titled, “*Sanctions and Penalties Law: GTC to Consider in February*” and
134 forward the article to the Kalihwisaks for inclusion in the February 7, 2019, Kalihwisaks edition.
135 The e-poll was approved by David P. Jordan, Jennifer Webster, Daniel Guzman King and Kirby
136 Metoxen. Ernest Stevens III did not provide a response to the e-poll.
- 137 ■ On February 6, 2019, the Legislative Operating Committee entered the results of the January 29,
138 2019, e-poll into the record.
- 139 ■ On March 17, 2019, the proposed Law was presented to the General Tribal Council, and the General
140 Tribal Council decided to defer this Law for consideration for at least sixty (60) days for GTC to
141 have additional time to consider it and have input.
- 142 ■ On June 19, 19, the Legislative Operating Committee approved the community outreach notice for
143 this Law with one noted change, and forwarded to the Kalihwisaks for publication in the July 3,
144 2019 Kalihwisaks edition.
- 145 ■ On September 4, 2019, the Legislative Operating Committee approved the community outreach
146 notice and article for this Law, and forwarded to the Kalihwisaks for publication in the September
147 19, 2019, edition.
- 148 ■ On November 15, 2019, the Legislative Operating Committee conducted an e-poll entitled,
149 *Approval of the Sanctions and Penalties Law Materials for the January 20, 2020, GTC Meeting*.
150 The requested action of this e-poll was to approve the Sanctions and Penalties law materials and
151 forward to the Oneida Business Committee for inclusion in the January 20, 2020, General Tribal
152 Council meeting packet materials. The e-poll was approved by David P. Jordan, Jennifer Webster,
153 Ernest Stevens III, and Daniel Guzman King. Kirby Metoxen did not provide a response to the e-
154 poll during the e-poll time frame.
- 155 ■ On November 20, 2019, the Legislative Operating Committee entered the November 15, 2019,
156 *Sanction and Penalties Law material for the January 20, 2020, GTC Meeting E-Poll* results into
157 record.
- 158 ■ On November 26, 2019, the Oneida Business Committee deferred the Sanctions and Penalties law
159 materials back to the Legislative Operating Committee for consideration of today's discussion and
160 reformatting of the request to General Tribal Council.
- 161 ■ On December 4, 2019, the Legislative Operating Committee approved the January 20, 2020
162 General Tribal Council Meeting materials with one change and forwarded to the Oneida Business
163 Committee.
- 164 ■ On December 4, 2019, the Legislative Operating Committee conducted an e-poll entitled,
165 *Rescission of the December 4, 2019, LOC Motion Regarding the Sanctions and Penalties Law*. The
166 requested action of this e-poll was to Rescind the December 4, 2019, Legislative Operating
167 Committee motion to “Approve the January 20, 2020, General Tribal Council meeting materials
168 and forward to the Oneida Business Committee.” The e-poll was approved by Ernest Stevens III,
169 Kirby Metoxen, Jennifer Webster, David P. Jordan. Daniel Guzman King did not provide a
170 response to the e-poll during the e-poll time frame.
- 171 ■ On December 4, 2019, the Oneida Business Committee adopted the agenda with two (2) changes
172 [1] delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively
173 scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header,
174 item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings).

- 175 ■ On December 10, 2019, the Legislative Operating Committee conducted an e-poll entitled,
176 *Approval of January 7, 2020, Public Meeting for the Sanctions and Penalties for Elected Officials*
177 *Law*. The requested action of this e-poll was to approve the public meeting packet and forward the
178 Sanctions and Penalties for Elected Officials law to a public meeting to be held on January 7, 2020.
179 The e-poll was approved by Kirby Metoxen, Jennifer Webster, David P. Jordan, and Daniel
180 Guzman King. Ernest Stevens III did not provide a response.
- 181 ■ On December 18, 2019, the Legislative Operating Committee entered into the record the December
182 4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019,
183 LOC action; and entered into the record the December 10, 2019, E-poll results for the Sanctions
184 and Penalties law – approval of a public meeting.
- 185 ■ On January 7, 2020, the Legislative Operating Committee held a public meeting on the proposed
186 Law. One (1) person provided oral comments during the public meeting.
- 187 ■ The public comment period was held open until January 14, 2020. Two (2) submissions of written
188 comments were received during the public comment period.
- 189 ■ On January 15, 2020, the Legislative Operating Committee accepted the public comments and
190 public comment review memorandum and deferred these items to a work meeting for further
191 consideration.
- 192 ■ On January 15, 2020, the Legislative Operating Committee also conducted an e-poll entitled,
193 *Approval of the Sanctions and Penalties for Elected Officials Law Updated Materials and Fiscal*
194 *Impact Statement Request Memorandum*. The requested action of this e-poll was to Approve the
195 updated public comment review memorandum, draft, legislative analysis, and fiscal impact
196 statement request memorandum, and forward the fiscal impact statement request memorandum,
197 with accompanying draft and legislative analysis, to the Finance Department directing that a fiscal
198 impact statement of the proposed Sanctions and Penalties for Elected Officials law be prepared and
199 submitted to the Legislative Operating Committee by January 20, 2020. The e-poll was approved
200 by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen. Daniel Guzman King
201 did not provide a response.
- 202 ■ On January 21, 2020, the Legislative Operating Committee conducted an e-poll entitled, *Approval*
203 *of the Sanctions and Penalties for Elected Officials Law Adoption Packet*. The requested action of
204 this e-poll was to “Approve the adoption packet for the Sanctions and Penalties for Elected Officials
205 law and forward to the Oneida Business Committee for inclusion on the tentative March 2020
206 Special General Tribal Council meeting agenda.” The e-poll was approved by David P. Jordan,
207 Jennifer Webster, Ernest Stevens III, Kirby Metoxen, and Daniel Guzman King.
- 208 ■ On January 21, 2020, the Legislative Operating Committee conducted an additional e-poll entitled,
209 *Rescission of the January 21, 2020, LOC Motion Approving the Sanctions and Penalties for Elected*
210 *Officials Law Adoption Packet*. The requested action of this e-poll was to “Rescind the January 21,
211 2020, Legislative Operating Committee motion to ‘Approve the adoption packet for the Sanctions
212 and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion
213 on the tentative March 2020 Special General Tribal Council meeting agenda.’” The e-poll was
214 approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman
215 King.
- 216 ■ On January 22, 2020, the Oneida Business Committee adopted the agenda with two (2) changes [1]
217 add item IV.C. Adopt resolution entitled Energy Infrastructure Deployment on Tribal Lands – 2020
218 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 read 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 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.
- On May 7, 2025, the Legislative Operating Committee entered into the record the results of the May 1, 2025, e-poll entitled, *Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice*.
- On June 13, 2025, a public meeting was held for the proposed Sanctions and Penalties law. No individuals provided oral comment during the public meeting.
- On June 20, 2025, the public comment period for the submission of written comments closed. No individuals provided written comments during the public comment period.
- On July 2, 2025, the Legislative Operating Committee approved the public comment review memorandum, draft, and legislative analysis; and approved the fiscal impact statement request memorandum and forwarded the request to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by July 30, 2025.
- On July 15, 2025, the Finance Department provided a fiscal impact statement.

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:

- 263 ▪ September 6, 2017: LOC work meeting.
- 264 ▪ November 1, 2017: LOC work meeting with representatives from the following boards, committees
- 265 and commissions: Police Commission, Trust Enrollment Committee, Election Board, Land
- 266 Commission, Oneida Gaming Commission, Pow-wow Committee. All boards, committees and
- 267 committees were invited to attend this work meeting.
- 268 ▪ December 6, 2017: LOC work meeting.
- 269 ▪ March 9, 2018: LOC work meeting.
- 270 ▪ March 16, 2018: LOC work meeting.
- 271 ▪ May 2, 2018: LRO work meeting.
- 272 ▪ May 3, 2018: Community pot-luck meeting with LOC, Oneida community members, Government
- 273 Administrative Office, and representatives from the following boards, committees and
- 274 commissions: Oneida Police Commission, Oneida Nation Veterans Affair Committee,
- 275 Environmental Resource Board, Anna John Resident Centered Care Community Board, and
- 276 Gaming Commission. All boards, committees and commissions were invited to attend this meeting.
- 277 ▪ May 11, 2018: LOC work meeting.
- 278 ▪ May 16, 2018: LOC work meeting.
- 279 ▪ July 9, 2018: Work meeting with Government Administrative Office.
- 280 ▪ August 1, 2018: LOC work meeting.
- 281 ▪ September 10, 2018: LOC work meeting.
- 282 ▪ October 17, 2018: LOC work meeting.
- 283 ▪ October 25, 2018: LOC work meeting.
- 284 ▪ November 30, 2018: LOC work meeting.
- 285 ▪ December 20, 2018: Work meeting with Cultural Heritage.
- 286 ▪ January 2, 2019: LOC Work meeting.
- 287 ▪ January 24, 2019: LOC Work meeting.
- 288 ▪ February 4, 2019: LOC Work meeting.
- 289 ▪ February 6, 2019: LOC work meeting.
- 290 ▪ February 8, 2019: LOC work meeting.
- 291 ▪ February 14, 2019: LOC work meeting.
- 292 ▪ February 20, 2019: LOC work meeting.
- 293 ▪ March 1, 2019: LOC work meeting.
- 294 ▪ March 15, 2019: LOC work meeting.
- 295 ▪ March 20, 2019: LOC work meeting
- 296 ▪ March 28, 2019: LOC work meeting.
- 297 ▪ May 1, 2019: LOC work meeting.
- 298 ▪ June 13, 2019: LOC work meeting.
- 299 ▪ July 11, 2019: LOC community outreach event at the Radisson Hotel and Conference Center prior
- 300 to a GTC meeting.
- 301 ▪ July 17, 2019: LOC community outreach event at the Norbert Hill Center's Business Committee
- 302 Conference room.
- 303 ▪ August 9, 2019: LOC community outreach event at the Veteran's Breakfast.
- 304 ▪ August 15, 2019: LOC community outreach event at the Oneida Farmer's Market.
- 305 ▪ August 21, 2019: LOC work meeting.
- 306 ▪ October 7, 2019: LOC community outreach event at the Elder Services Congregate Meal Site.

- October 16, 2019: LOC work meeting.
- October 18, 2019: LOC community outreach event at the SEOTS building in Milwaukee.
- October 31, 2019: LOC work meeting.
- November 6, 2019: LOC work meeting.
- November 15, 2019: LOC work meeting.
- November 19, 2019: LOC work meeting.
- 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.*

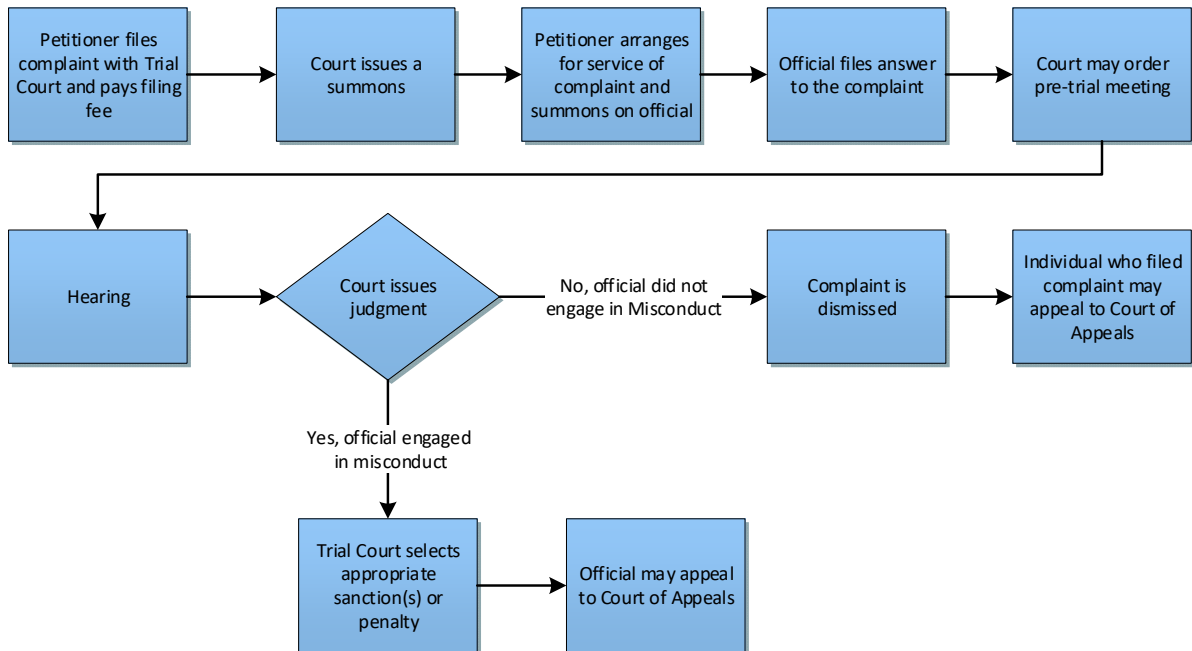
- *Who Can File a Complaint?* Under this Law, any enrolled member of the Nation or employee of the Nation age eighteen (18) years or older can file a complaint, so long as they have knowledge or reason to believe that an official has committed misconduct. [1 O.C. 120.5-1]. Entities of the Nation, such 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].

- 351 ▪ *Contents of the Complaint.* Complaints must include the following information [1 O.C. 120.5-3]:
 - 352 ▪ Information about the official, including the official’s name and the entity they serve on.
 - 353 ▪ Information about the alleged misconduct, including date, time, location and specific
 - 354 details.
 - 355 ▪ The specific law, policy, rule or bylaw that the official violated.
 - 356 ▪ Information about any witnesses or others with knowledge of the violation.
 - 357 ▪ Contact information of the individual filing the complaint.
 - 358 ▪ Supporting documents and any other information required by the Oneida Judiciary Rules
 - 359 of Civil Procedure. [8 O.C. 803.5-1].
- 360 ▪ *Where to File Complaints?* Complaints against elected officials are filed with the Trial Court, with
- 361 is located within the Oneida Judiciary. [1 O.C. 120.5-4].
- 362 ▪ *Retaliation.* Retaliation against someone who files a complaint or cooperates with a misconduct
- 363 investigation is not allowed. [1 O.C. 120.5-5].
- 364 **C. *Complaint Procedure.*** Complaints against elected officials will be heard by the Nation’s Trial Court.
- 365 [1 O.C. 120.6-1]. The law outlines the process for how the Judiciary will hear the complaint:
- 366 ▪ *Right to an Attorney or Advocate.* Any official who has been accused of misconduct has the right
- 367 to be represented by an attorney or an advocate, at their own expense. [1 O.C. 120.6-2].
 - 368 ▪ *Legal Resource Center.* The Legal Resource Center law established an office, the Legal
 - 369 Resource Center, to provide legal advice and representation to Tribal members and
 - 370 employees in cases before the Judiciary. [8 O.C. 811.1-1].
- 371 ▪ *Burden of Proof.* The burden of proof for allegations made under this law is “clear and convincing
- 372 evidence.” [1 O.C. 120.6-3]. This is the same standard the Nation uses in misconduct cases against
- 373 judges in the Oneida Judiciary. [8 O.C. 801.12-6(c)].
 - 374 ▪ This means that the person filing the complaint must provide evidence “indicating that the
 - 375 [allegation] to be proved is highly probably or reasonably certain” [Black’s Law
 - 376 Dictionary]. This is a greater burden than “preponderance of the evidence,” the standard
 - 377 in most civil trials, but less than evidence “beyond a reasonable doubt,” which is used for
 - 378 criminal trials.
- 379 ▪ *Confidentiality.* All complaints against officials of the nation will be handled confidentially, with
- 380 hearings and proceedings regarding the complaint closed to the public. [1 O.C. 120.6-4]. Records
- 381 of the hearings will be kept confidential. [120.6-4(b)]. However, the final decision of the Judiciary
- 382 and any sanctions and penalties imposed against an official will be public information. *Id.*
 - 383 ▪ *Judiciary Law.* The Judiciary law states that proceedings of the court are open to the public
 - 384 except for peacemaking, mediation, proceedings where the judge has safety or
 - 385 confidentiality concerns, or “if expressly prohibited by law.” [8 O.C. 801.4-4].
- 386 **D. *Hearings Under Oneida Judiciary Rules of Civil Procedure.*** All hearings under this law must follow
- 387 the Oneida Judiciary Rules of Civil Procedure. [8 O.C. 803]. The following is a brief overview of how
- 388 a civil case is processed by the Trial Court using the Oneida Judiciary Rules of Civil Procedure. For
- 389 more detailed information regarding the trial court process, see the Oneida Judiciary Rules of Civil
- 390 Procedure in the Nation’s Code of Laws.
- 391 ▪ *Petitioner Files a Complaint with the Trial Court and Pays Filing Fee.* The Trial Court has a
- 392 standard complaint form with instructions to fill out the complaint.
 - 393 ▪ *Complaint.* At the time this analysis was drafted, the Oneida Judiciary Rules of Civil
 - 394 Procedure require the complaint to include the full name and address of the plaintiff and

defendant, why the defendant is being sued, facts supporting each claim, why the trial court has jurisdiction, specifically what relief is sought from the defendant, and a summons. [8 O.C. 803.5-1].

- *Filing Fee.* The Oneida Judiciary Trial Court currently charges a fifty dollar (\$50) filing fee to file a general civil case. However, individuals may request a fee waiver from the court for the following reasons: unemployed, health/medical, or below poverty level.
- *Summons:* A summons is a document ordering a defendant to appear before a judge. The Trial Court has a standard summons form. [8 O.C. 803.3-1(oo), 803.5-2].
- *Complaint and Summons are served on Official.* The complaint and summons must be delivered to the elected official within thirty (30) days after the complaint is filed. [8 O.C. 803.5-3]. In addition, for complaints against officials, notice must also be served to the Secretary's office. *Id.* The petitioner must provide proof to the Court that the complaint and summons were delivered to the defendant within ten (10) days of delivery. [8 O.C. 803.5-3(b)]. If proof of service is not completed, then the case will be dismissed. [8 O.C. 803.5-3(c)].
- *Official Files an Answer.* The official responds to the complaint by filing an answer. [8 O.C. 803.7-2(b)]. The official can either admit to or deny the allegations made in the complaint and provide defenses to each claim made in the complaint [8 O.C. 803.7].
- *Pre-Trial Meeting.* A pre-trial meeting may be scheduled between the judge, petitioner and defendant. [8 O.C. 803.12-1]. The purpose for this meeting could include preparing for the trial, creating a plan regarding discovery, or facilitating a settlement, such as peacemaking [8 O.C. 803.12].
- *Hearing.* Hearings are conducted in accordance with the Oneida Judiciary Rules of Civil Procedure, which may include opening statements, presentation of the parties' cases, rebuttals and closing statements [8 O.C. 803.38].
- *Judgment.* If the Trial Court determines, by clear and convincing evidence, that there is enough evidence to substantiate the allegations of misconduct by the official, then the Trial Court will impose any sanctions and penalties that they deem appropriate. [1 O.C. 120.6-5]. If the Trial Court does not find there is clear and convincing evidence to support the allegations, the complaint will be dismissed. *Id.*
- *Appeals.* Both the official accused of misconduct and the individual who filed the complaint have the right to appeal the decision of the Trial Court to the Court of Appeals. [1 O.C. 120.6-6; 8 O.C. 803.39-1]. The appeal must be filed with the Court of Appeals in accordance with the Oneida Judiciary Rules of Appellate Procedure. *Id.*
 - *Timeline for Appeal.* Appeals of judgments of the Trial Court must be filed with the Court 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"> ▪ Verbal Reprimand ▪ Public Apology ▪ Written Reprimand ▪ Suspension ▪ Restitution ▪ Fines ▪ Loss of Stipend ▪ Mandatory Training ▪ Removal, in accordance with Removal Law

- **Verbal Reprimand.** During an Oneida Business Committee or General Tribal Council meeting, the Nation’s chairperson will read the following statement: [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. [1 O.C. 120.7-2(a)].

- **Public Apology.** An official may be ordered to make a public apology at an Oneida Business Committee or General Tribal Council meeting. [1 O.C. 120.7-2(b)]. The apology is required to identify the judicial findings regarding the official's misconduct and include a "clear and unambiguous" apology. *Id.*
- **Written Reprimand.** The Judiciary Trial Court may publish a written reprimand in the Nation's official media outlets. [1 O.C. 120.7-2(c)]. Resolution BC-02-22-17-B, *Identifying Official Oneida Media Outlets*, identifies the Nation's official media outlets as the Oneida Nation website and the Kalihwisaks newspaper. The written reprimand will include the same information as a verbal reprimand. [1 O.C. 120.7-2(c)(1)].
- **Suspension.** The Trial Court may suspend part-time officials for up to two (2) meetings. [1 O.C. 120.7-2(d)]. Full-time officials, such as members of the Oneida Business Committee or Oneida Gaming Commission, may be suspended for up to fifteen (15) business days. *Id.* During a suspension, the official cannot attend meetings, trainings, or conferences. [1 O.C. 120.7-2(d)(1)(A)-(B)]. The official also cannot vote or perform work for the entity. [1 O.C. 120.7-2(d)(1)(C)-(D)]. In addition, the official cannot earn any stipends, salary, or mileage during the suspension. [1 O.C. 120.7-2(d)(1)(E)].
 - **Multiple Suspensions on One Entity.** If multiple officials on the same entity are suspended at the same time, the suspensions may be imposed on a staggered basis so that the business of the Nation is not interrupted. [1 O.C. 120.7-2(d)(3)]. For example, if multiple members of the Oneida Business Committee are suspended, each member could be suspended one at a time on a staggered basis.
- **Restitution.** An official can be ordered to pay restitution, which means paying back any improperly received benefit, such as returning funds or paying to replace damaged property. [1 O.C. 120.7-2(e)]. The point of restitution is to make someone whole.
- **Fines.** An official can be ordered to pay a fine for each act of misconduct. [1 O.C. 120.7-2(f)]. Unlike restitution, a fine is a punishment. The maximum amount of each fine is two thousand five hundred dollars (\$2,500). *Id.*
 - **Fine Process.** All fines are paid to the Trial Court and deposited into the Nation's General Fund. [120.7-2(f)(1)]. Officials must pay their fine within ninety (90) days after the fine is issued or upheld on final appeal. [1 O.C. 120.7-2(f)(3)]. If the fine is not paid on time, the Nation may collect the money through garnishment or attachment of the official's per capita payment. *Id.*
 - **Community Service Alternative.** An official can complete community service to make up all or part of their fine. [1 O.C. 120.7-2(f)(2)]. The rate earned for community service is 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)].
 - For example, a violation of the Technology Resources law may result in loss of access to the Nation's computer resources. [2 O.C. 215.10-1].

H. Effect of Resignation by an Official. If an official resigns from office after a complaint has been filed, that complaint will still be investigated, and sanctions and penalties may still be pursued. [1 O.C. 120.8]. Resigning from office does not end or prevent an investigation.

- I. **Record of Conduct.** A record of conduct for each official will be maintained by the Judiciary. [1 O.C. 120.9-1]. The record of conduct maintained for each official will include copies of complaints filed against the official, recordings and transcripts from any hearings or proceedings, outcomes of the complaints, and any sanctions and penalties the official received. [1 O.C. 120.9-2]. This record is required to be maintained for at least seven (7) years. [1 O.C. 120.9-3].
- *Public Access to Record of Conduct.* The record of conduct maintained by the Judiciary will only be made available for review to the Judiciary. [1 O.C. 120.9-1]. The purpose of the record of conduct is so that the Trial Court can review previous complaints against the official when determining a potential sanction or penalty. [1 O.C. 120.7-3(h)].
 - *Public Access to Judiciary Decisions.* However, the decisions of the Judiciary regarding a complaint against an elected official and any sanctions and penalties imposed against an official will be public information. [1 O.C. 120.6-4(b)].

SECTION 6. EFFECT ON EXISTING LEGISLATION

- A. **References to the Other Laws of the Nation:** The following laws of the Nation are referenced in this law. This law does not conflict with any of the referenced laws.
- *Oneida Judiciary Rules of Civil Procedure.* The Oneida Judiciary Rules of Civil Procedure governs all civil actions that fall under the jurisdiction of the Nation. [8 O.C. 803.1-1]. The Oneida Judiciary Rules of Civil Procedure provides a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Trial Court to have their disputes resolved. [8 O.C. 803.1-2].
 - Complaints against an official shall be filed with the Nation's Trial Court in accordance with the Oneida Judiciary Rules of Civil Procedure. [1 O.C. 120.5-4].
 - *Rules of Appellate Procedure.* The Rules of Appellate Procedure govern the procedure in all actions and proceedings in the divisions that make up the Court of Appeals within the Judiciary that fall under the jurisdiction of the Nation. [8 O.C. 805.1-1]. The Rules of Appellate Procedure are to be liberally construed to ensure a speedy, fair, and inexpensive determination of every appeal. [8 O.C. 805.1-2].
 - Appeals of the Trial Court's decision shall be filed pursuant to the Nation's Rules of Appellate Procedure. [1 O.C. 120.6-6].
 - *Garnishment Law.* The Garnishment law exercises the authority of the Nation to provide an effective mechanism for creditors to access an employee's income for reduction of personal debt. [2 O.C. 2010.1-1]. It is the policy of the Garnishment law to afford all individuals due process. [2 O.C. 2010.1-2].
 - 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 garnishment process [120.7-2(f)(3)].
 - *Per Capita Law.* The purpose of the Per Capita law is to specify the procedure to be followed in 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
Oneida Nation (proposed)	<i>Judiciary</i>	<i>Judiciary</i>	<i>Judiciary</i>
Siletz	Tribal Council*	Ad Hoc Committee or Special Advisor appointed by Tribal Council*	Tribal Council*
Ho Chunk	Judiciary	Judiciary	President
Rosebud Sioux	Ethics Commission, appointed by Tribal Council*	Ethics Commission, appointed by Tribal Council*	Tribal Council*
Skokomish	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. And July 15, 2025. Please see the fiscal impact statements for further information.

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.

Adopted – GTC- __ - __ - __ - __

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer

FROM: Rae Skenandore, Sr. Analyst

DATE: July 3, 2025

RE: **Fiscal Impact Statement of the Sanctions and Penalties Law**

I. Estimated Fiscal Impact Summary

Law: Sanctions and Penalties Law		Draft 6
Implementing Agency	Oneida Judiciary	
Estimated time to comply	10 days	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$0	\$0

II. Background

This Law has been under consideration with the Legislative Operating Committee since 2014. There was a lengthy process of gathering input and developing this law in compliance with the additional requirements of a General Tribal Council Directive.

The intent was to develop a law which provides a consistent process for misconduct complaints to be filed and sanctions to be implemented against elected officials. The legislation contains the following:

- A. What Qualifies as Misconduct. The definition of misconduct is broad and includes any of the following:
 - 1. Violating the Oneida Constitution or any law, policy, or rule of the Oneida Nation.
 - 2. Violating the bylaws or standard operating procedures of the entity the official serves on.
 - 3. 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.
- B. Filing a Complaint.

1. Any enrolled member or employee of the Nation age eighteen (18) or older or a tribal entity such as a board, committee or commission can file a complaint of suspected misconduct.
2. The complaint must be filed within sixty (60) days of when the alleged misconduct occurred or was discovered.
3. Contents of the Complaint must include the following:
 - a) Information about the official
 - b) Information about the alleged misconduct
 - c) The specific law, policy, rule, or bylaw that was violated.
 - d) Information about any witnesses or others with knowledge of the violation.
 - e) Contact information of the individual filing the complaint.
 - f) Supporting documents and any other information required by the Oneida Judiciary Rules of Civil Procedure.
4. Complaints must be filed with the Trial Court at the Oneida Judiciary.
5. Retaliation is prohibited.
- C. Complaints will be processed by the Oneida Nation's Trial Court.
 1. Individual(s) accused of misconduct have the right to an attorney or an advocate, at their own expense.
 2. The burden of proof for allegations is "clear and convincing evidence." This is the same standard used for misconduct cases against the judges in the Oneida Judiciary.
 3. All complaints against an official of the Nation will be managed confidentially, with hearings and proceedings closed to the public.
 4. The records of the hearings will be kept confidential. The final decision and any sanctions and penalties imposed will be public information.
- D. All hearings follow the Oneida Judiciary Rules of Civil Procedure.
- E. If the court finds that an official has engaged in misconduct, the court shall determine any sanctions and penalties to be imposed. Sanctions and penalties include:
 1. Verbal Reprimand
 2. Public Apology
 3. Written Reprimand
 4. Suspension
 5. Restitution
 6. Fines
 7. Loss of Stipend
 8. Mandatory Training
 9. Removal, in accordance with Removal Law
- F. Factors in determining appropriate sanction and/or penalty may include the following:
 1. Severity, i.e., intention, likeliness to repeat, damage to the finances or reputation of the Nation.
 2. Remorse and willingness to take corrective actions.

- 3. Prior complaints or if the action represents a pattern of behavior.
- G. Additional civil liability and/or criminal prosecution may result depending on the misconduct.
- H. If an official resigns prior to a complaint being filed, the complaint will still be investigated, and sanction and penalty imposed.
- I. Records will be maintained by the judiciary for a minimum of seven (7) years.

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

Finance contacted both the Oneida Judiciary and the Human Resources Department to determine the fiscal impact of implementing this legislation. No start-up costs, no increases in personnel are needed, and no increases in office or documentation costs were noted. There will be no fine schedule included with the adopting resolution. Fines are set at the discretion of the judge, cannot exceed \$2,500, and are paid to the court. The Oneida Judiciary and the Human Resources Department can implement the Law immediately upon approval.

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
September 3, 2025

Oneida Personnel Policies and Procedures Amendments

Submission Date: 2/6/19	Public Meeting: 1/12/23
LOC Sponsor: All LOC	Emergency Enacted: 11/24/21, 5/11/22, 11/7/22

Summary: *This item was carried over from the last two (2) terms. This request for amendments to the Oneida Personnel Policies and Procedures was added to the AFL in February 2019. The purpose of the Oneida Personnel Policies and Procedures is to provide the various procedures and policies governing employee related matters including recruitment, selection, compensation and benefits, employee relations, safety and health, rules and regulations, recordkeeping, and privacy and confidentiality. The Nation's Human Resources Department requested amendments to the Oneida Personnel Policies and Procedures to address investigative enforcement. Amendments are being sought to delegate authority to investigators to put employees on investigative leave (as opposed to just the supervisor of the employee), 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 Investigative Leave Policy and the Workplace Violence law.*

On April 10, 2019, the Oneida Business Committee directed the LOC to complete the legislative process to remove section IV(A)(5)(n) regarding Trade Back for Cash from the Personnel Policies and Procedures.

On August 18, 2021, the Legislative Operating Committee considered a request for amendments to the Oneida Personnel Policies and Procedures from the Human Resources Department to address the selection policy in an effort to update the Personnel Policies & Procedures using current interpretations, language and technology to improve minimize the time to hire employees from post to hire in a tight labor market. The Legislative Operating Committee determined these amendments should be pursued on an emergency basis for the immediate preservation of the general welfare of the Reservation population.

The Oneida Business Committee adopted emergency amendments to the Oneida Personnel Policies and Procedures to address the selection policies on November 24, 2021, through the adoption of resolution BC-11-24-21-A. The emergency amendments will expire on May 24, 2022.

The Oneida Business Committee adopted additional emergency amendments to the Oneida Personnel Policies and Procedures to clarify inconsistencies that arose as a result of the last emergency amendments on May 11, 2022, through the adoption of resolution BC-05-11-22-A. The emergency amendments will now expire on November 11, 2022.

The Oneida Business Committee extended the emergency amendments to the Oneida Personnel Policies and Procedures for an additional six (6) month period on November 7, 2022, through the adoption of resolution BC-11-07-22-A. The emergency amendments to the Oneida Personnel Policies and Procedures will now expire on May 11, 2023.

The emergency amendments to the Oneida Personnel Policies and Procedures expired on May 11, 2023.

10/7/20 LOC: Motion by Jennifer Webster to add the Oneida Personnel Policies and Procedures Amendments to the Active Files List with Marie Summers as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

8/18/21 LOC: Motion by Marie Summers to accept the information provided in the request *[request for amendments to the Oneida Personnel Policies and Procedures to address the revision of the HRD Manager Title]* as FYI; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Marie Summers to accept for emergency LOC process *[request for amendments to the Oneida Personnel Policies and Procedures to address the selection process]* with Marie Summers as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

9/13/21: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Clorissa N. Santiago, Carmen Vanlanen, Geraldine Danforth, Todd Vandenheuvel, Barbara Kolitsch, Josh Cottrell, Nic Reynolds, Wendy Alvarez, Kristal Hill, Matt Denny, Rhiannon Metoxen, Melinda K. Danforth, Rita Reiter. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and discuss the proposed emergency amendments to the Oneida Personnel Policies and Procedures submitted by the HRD Department.

9/15/21: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Kirby Metoxen, Marie Summers, Clorissa N. Santiago, Carmen Vanlanen, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and discuss the proposed emergency amendments to the Oneida Personnel Policies and Procedures submitted by the HRD Department.

10/12/21: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Marie Summers, Clorissa N. Santiago, Carmen Vanlanen, Rhiannon Metoxen, Kristal Hill, Todd Vandenheuvel, Josh Cottrell, Nic Reynolds, Wendy Alvarez, Matt Denny, Melinda K. Danforth, Rita Reiter. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and discuss with HRD the LOC's proposed emergency amendments to the Oneida Personnel Policies and Procedures.

10/18/21: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Marie Summers, Clorissa N. Santiago, Carmen Vanlanen, Kristal Hill, Todd Vandenheuvel, Josh Cottrell, Wendy Alvarez, Matt Denny, Rita Reiter. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to continue reviewing and discussing with HRD the LOC's proposed emergency amendments to the Oneida Personnel Policies and Procedures.

10/21/21: *Work Meeting.* Present: Clorissa N. Santiago, Carmen Vanlanen, Wendy Alvarez. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to work on clarifying the internal job posting section of the Personnel Policies and Procedures.

10/25/21: *Work Meeting.* Present: Daniel Guzman King, Jennifer Webster, Marie Summers, Clorissa N. Santiago, Carmen Vanlanen, Kristal Hill, Todd Vandenheuvel, Josh Cottrell, Wendy Alvarez, Dana Thyssen, Lucy Neville, Nic Reynolds. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review an updated draft of the proposed emergency amendments to the Oneida Personnel Policies and Procedures.

11/4/21: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Jennifer Webster, Marie Summers, Lisa Liggins, Brandon Yellowbird Stevens, Tehassa Hill, Cristina

Danforth, Clorissa N. Santiago, Carmen Vanlanen, Kristal Hill, Rhiannon Metoxen, Todd Vandenheuvel, Lucy Neville, Nic Reynolds, Rita Reiter, and Matthew Denny. This was a work meeting held through Microsoft Teams. The purpose of this work meeting with the officers of the Oneida Business Committee and Human Resources Department was to discuss the potential for emergency amendments to the Oneida Personnel Policies and Procedures and whether the emergency legislation standard provided in the LPA has been met.

11/9/21: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Kristen Hooker, Carmen Vanlanen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the updated proposed emergency amendments.

11/17/21 LOC: Motion by Kirby Metoxen to approve Oneida Personnel Policies and Procedures emergency amendments adoption packet and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

11/24/21 OBC: Motion by Brandon Stevens to adopt resolution 11-24-21-A Emergency Amendments to the Oneida Personnel Policies and Procedures - Selection Policy, seconded by Lisa Liggins. Motion carried.

11/30/21: *Work Meeting.* Present: Clorissa N. Santiago, Todd Vandenheuvel, Matthew Denny. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss some questions HRD had on the implementation of the emergency amendments.

12/15/21: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss a strategy on how to move forward the permanent adoption of amendments to this Law.

2/21/22: *Work Meeting.* Present: Clorissa N. Santiago, Todd Vandenheuvel. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to briefly discuss the purpose of next Thursday's work meeting between the LOC and HRD.

2/24/22: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Carmen Vanlanen, Kristal Hill, Rhiannon Metoxen, Todd Vandenheuvel, Nic Reynolds, Matthew Denny, Josh Cottrell, Wendy Alvarez. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to begin discussions on a potential plan for permanent amendments to the Oneida Personnel Policies and Procedures. The LOC and HRD discussed and began determining a ranking of potential issues to be amended in the Oneida Personnel Policies and Procedures to be addressed through phased amendments.

4/20/22: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Marie Summers, Jennifer Webster, Clorissa N. Santiago, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss a plan for bringing minor additional emergency amendments to the Oneida Personnel Policies and Procedures to the May 4, 2022, LOC meeting.

5/4/22 LOC: Motion by Marie Summers to approve the Oneida Personnel Policies and Procedures emergency amendments adoption packet and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

- 5/11/22 OBC:** Motion by Jennifer Webster to adopt resolution entitled 05-11-22-A Additional Emergency Amendments to the Oneida Personnel Policies and Procedures - Selection Policy, seconded by Lisa Liggins. Motion carried.
- 6/8/22 OBC:** Motion by Kirby Metoxen to support the designation of June 19 as an Oneida Nation paid holiday for the Juneteenth National Independence Day and forward to the Legislative Operating Committee for review, seconded by David P. Jordan. Motion carried.
- 6/15/22 LOC:** Motion by Kirby Metoxen to accept the request as information to be discussed during the current development of amendments to the Oneida Personnel Policies and Procedures; seconded by Jennifer Webster. Motion carried unanimously.
- 7/15/22:** *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Clorissa N. Santiago, Kristal Hill, Todd Vandenheuvel, Nic Reynolds, Matthew Denny, Wendy Alvarez, Grace Elliott, Carolyn Salutz. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review two options for how to approach the permanent amendments to the Oneida Personnel Policies and Procedures.
- 8/31/22:** *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Clorissa N. Santiago, Todd Vandenheuvel, Nic Reynolds, Matthew Denny, Wendy Alvarez, Josh Cottrell, Whitney Wheelock, Grace Elliott, Carolyn Salutz, Rhiannon Metoxen. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to continue the discussion of permanent amendments to the Oneida Personnel Policies and Procedures and identify other areas within the law that should be amended in addition to Section III.
- 10/19/22:** *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Kirby Metoxen, Marie Cornelius, Clorissa N. Leeman, Todd Vandenheuvel, Nic Reynolds, Matthew Denny, Wendy Alvarez, Josh Cottrell, Whitney Wheelock, Grace Elliott, Carolyn Salutz, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the draft of proposed permanent amendments to the Oneida Personnel Policies and Procedures.
- 11/2/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Clorissa N. Leeman, Todd Vandenheuvel, Nic Reynolds, Matthew Denny, Wendy Alvarez, Josh Cottrell, Whitney Wheelock, Grace Elliott, Carolyn Salutz, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to continue reviewing the draft of proposed permanent amendments to the Oneida Personnel Policies and Procedures.
- 11/3/22:** *E-Poll Conducted.* This e-poll was titled, "Extension of the Emergency Amendments to the Oneida Personnel Policies and Procedures." The requested action of this e-poll was to approve the Oneida Personnel Policies and Procedures emergency amendments extension packet and forward to the Oneida Business Committee for consideration. This e-poll was approved by David P. Jordan, Kirby Metoxen, Marie Cornelius, Jennifer Webster, and Daniel Guzman King.
- 11/7/22:** *OBC E-Poll Conducted.* This e-poll was titled, "Adopt the resolution entitled Extension of the Emergency Amendments to the Oneida Personnel Policies and Procedures." The requested action of this e-poll was to adopt the resolution entitled, Extension of the Emergency Amendments to the Oneida Personnel Policies and Procedures. This e-poll was approved by Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster.
- 11/23/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Clorissa N. Leeman, Todd Vandenheuvel, Matthew Denny, Josh Cottrell, Whitney

Wheelock, Grace Elliott, Carolyn Salutz. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the updated draft of proposed permanent amendments to the Oneida Personnel Policies and Procedures.

12/1/22: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Cornelius, Daniel Guzman King, Clorissa N. Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss potential timelines for bringing the proposed amendments to the General Tribal Council for consideration.

12/7/22 LOC: Motion by Jennifer Webster to approve the draft of the Oneida Personnel Policies and Procedures amendments, the legislative analysis, and the public meeting notice with updated date, and forward the Oneida Personnel Policies and Procedures amendments to a public meeting to be held on January 12, 2023; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Marie Cornelius to enter into the record the results of the November 3, 2022, e-poll entitled, Extension of the Emergency Amendments to the Oneida Personnel Policies and Procedures; seconded by Jennifer Webster. Motion carried unanimously.

1/12/23: *Public Meeting Held.* Present: Jennifer Webster, Clorissa N. Leeman, Carolyn Salutz, Grace Elliott, Bonnie Pigman, Microsoft Teams: Daniel Guzman King, Terri Schiltz, Nicholas Metoxen, Whitney Wheelock, Rita Reiter, Lora Danforth. Stefanie Reinke, Wendy Alvarez, Laurel Meyerspooner, Peggy Van Gheem, Tina Jorgensen, Chad Fuss, Sidney White, Louise Cornelius, Kelly McAndrews, Lori Metoxen, Laura Laitinen-Warren, Karen Smith, Kathe Cornelius, Artley Skenandore, Michelle Hill, Melanie Burkhart, Michelle Tipple, Jessica Vandekamp, Kelly Skenandore-Holtz, Reynold Danforth, Henrietta Cornelius, Racquel Hill, Gregory Matson, Lavina Cornelius, Lisa Rauschenbach, Grace Delgado, Mark Powless, Eric Boulanger, Matthew J. Denny, Debra Santiago, Kara Melchert, Debra Danforth, Lori Hill, Kristal Hill, Carrie Lindsey, Todd Vanden Heuvel, Trina Schuyler, Gunladunt Webster, Sharon Mousseau, Monica Doxtator, Michelle Braaten, Mari Kriescher, Kristen Jorgenson-Dann, Joy Salzwedel, Michelle Demmin, Lucy Neville, Danielle White, Mary Graves. The public meeting for the proposed amendments to the Oneida Personnel Policies and Procedures was held in person in the Norbert Hill Center and on Microsoft Teams. Seven (7) individuals provided public comment during the public meeting.

1/19/23: *Public Comment Period Closed.* Fourteen (14) submissions of written comments were received during the public comment period.

3/1/23 LOC: Motion by Marie Cornelius to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Jennifer Webster. Motion carried unanimously.

3/1/23: *Work Meeting.* Present: Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Clorissa N. Leeman, Grace Elliott, Carolyn Salutz. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and consider the public comments received.

3/9/23: *Work Meeting.* Present: Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to continue reviewing and considering the public comments received.

- 3/15/23:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Leeman, Grace Elliott, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to continue reviewing and considering the public comments received.
- 3/23/23:** *Work Meeting.* Present: David P. Jordan, Marie Cornelius, Jennifer Webster, Clorissa N. Leeman, Grace Elliott, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to continue reviewing and considering the public comments received.
- 3/30/23:** *Work Meeting.* Present: David P. Jordan, Marie Cornelius, Daniel Guzman King, Clorissa N. Leeman, Grace Elliott, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to finish reviewing and considering the public comments received.
- 5/11/23:** *Expiration of Emergency.* The emergency amendments to the Oneida Personnel Policies and Procedures expired on May 11, 2023.
- 10/4/23 LOC:** Motion by Jennifer Webster to add the Oneida Personnel Policies and Procedures Amendments to the Active Files List with all LOC members as the sponsors; seconded by Jonas Hill. Motion carried unanimously.
- 11/1/23:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The LOC briefly discussed the desire for the Nation to codify paid maternity leave into law – would like to see paid maternity leave offered upwards of a year – and that this may be an issue that is addressed through the Personnel Policies and Procedures amendments. LOC also briefly discussed that a strategy meeting with HRD, the General Managers, and Direct Reports may be needed to really break down how we are going to address this legislative matter moving forwards.
- 1/29/24:** *E-Poll Conducted.* This e-poll was 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. This e-poll was unanimously approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.
- 2/7/24 LOC:** Motion by Jennifer Webster to enter into the record the results of the January 29, 2024, e-poll titled, *Approval of the March 6, 2024, LOC Community Meeting Notice*; seconded by Jonas Hill. Motion carried unanimously.
- 3/6/24:** *Work Meeting.* Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to practice the PowerPoint presentation for the March 6, 2024, community meeting for the Oneida Personnel Policies and Procedures Amendments, Sanctions and Penalties Law, and the Eviction and Termination law amendments.
- 3/6/24:** *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins, Francine Valentino, Melanie Burkhart, Gina Buenrostro, Peggy Helm-Quest, Michelle Sawyer, Nadine Escamea, Bonnie Pigman, Olivia Pigman, Julie Denny, Michelle Hill, Vicky Matson, Greg Matson, Julie Behnke, Lynn Metoxen, Jake Doxtator, Kay Keshena, Connie Vandehei, Jen Falck, Lillian Wheelock, Dale Wheelock, Stephanie Smith, Patricia Hoeft, Scott Denny, Dana McLester, Wendy Alvarez, Dana Thyssen, Todd Vanden Heuvel.

Larry Barton, Merissa Bloedorn, Lois Stevens, Mark Powless, Linda Dallas, Jake, Peggy Van Gheem, Mary Loeffler, Matthew J. Denny, Nancy Barton, Brittany Kulow, Mary Adams, Cathy Metoxen, William Gollnick. 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 Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments.

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 debrief the March 6, 2024, community meeting and determine the next steps to move these legislative items forward.

4/16/24: *Work Meeting.* Present: Marlon Skenandore, Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Scott Denny, Maureen Perkins, Mark Powless, Danielle White, Fawn Cottrell, Lisa Rauschenbach. The purpose of this meeting was to review proposed amendments to the Eviction and Termination law.

5/3/24: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Peggy Van Gheem, Todd Vanden Heuvel, Lucy Neville, Fawn Rasmussen, Matthew Denny, Kristal Hill, Dana Thyssen, Laura Laitinen-Warren, Whitney Wheelock, Fawn Billie, Mark Powless. The purpose of this work meeting is to identify the work team moving forward so we can ensure we are building an effective team through collaboration with departments, communities, and affected entities; as well as determine a strategic plan for the development of amendments to the Oneida Personnel Policies and Procedures.

5/10/24: *Work Meeting.* Present: Clorissa Leeman, Lisa Summers, Todd Vanden Heuvel, Matt Denny, Rita Reiter, Dana Thyssen. The purpose of this work meeting is to touch base on how the Nation will be handling the Oneida Personnel Commission moving forward.

6/4/24: *Work Meeting.* Present: Clorissa Leeman, Peggy Van Gheem. The purpose of this work meeting was to touch base and review the work Peggy was doing with HRD to prepare them for the next group work meeting.

6/19/24: *Work Meeting.* Present: Clorissa Leeman, Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Todd Vanden Heuvel, Peggy Van Gheem, Dana Thyssen, Debra Powless, Donna Smith, Fawn Billie, Fawn Rasmussen, Kristal Hill, Lisa Summers, Lucy Neville, Matt Denny, Maureen Perkins, Melanie Burkhart, Michelle Schneider, Tina Jorgensen, Marie Cornelius, Kelly Skenandore-Holtz, Carolyn Salutz, Laura Laitinen-Warren, Mark Powless. The purpose of this work meeting was to continue the discussion of amendments to the Oneida Personnel Policies and Procedures; and focus our discussion on: Why we are seeking amendments to the Oneida Personnel Policies and Procedures; Issues that should be addressed in the law vs. issues that should be addressed in the rule handbook; and What improvements do we want to make to our work culture overall within the Nation.

8/2/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Fawn Cottrell, Maureen Perkins, Lawrence Barton, Mark Powless, Todd Vandenheuvel, Rhiannon Metoxen. The purpose of this work meeting was to discuss a strategy to move the Personnel Policies and Procedures from under GTC – specifically to what extent the Personnel Policies and Procedures should be moved away from GTC, and how this relates to the overall discussion of moving HRD from out under the OBC.

10/25/24: *Work Meeting.* Present: Jameson Wilson, Clorissa Leeman, Mark Powless, Todd Vanden Heuvel, Louise Cornelius, Peggy Van Gheem, Marie Cornelius, Ralinda Ninham-Lamberies. The purpose of this work meeting was to discuss paid maternity leave and increasing mental health time.

12/2/24: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Michelle Schneider, Chad Fuss, Maureen Perkins, Melanie Burkhart, Kristal Hill,


Mark Powless, Tina Jorgensen, Todd Vanden Heuvel, Whitney Wheelock, Brooke Doxtator, Matt Denny, Peggy Van Gheem, Fawn Cottrell, Lorna Skenandore, Donna Smith. The purpose of this work meeting was to review initial draft of memo of intention for amendments that will go to GTC, and to discuss next steps for moving this item forward.

6/17/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Clorissa Leeman, Mark Powless, Laura Laitinen-Warren, Carolyn Salutz, Grace Elliott, Fawn Billie. The purpose of this meeting was to discuss the next steps for moving this item forward, in recognition that the Benton Petitions regarding potential amendments to the Oneida Personnel Policies and Procedures would most likely not be brought before the GTC due to each containing more than one subject.

Next Steps:

- Approve the memorandum entitled, Intent to Amend the Oneida Personnel Policies and Procedures, and forward to the Oneida Business Committee for inclusion on an upcoming General Tribal Council meeting agenda for consideration.



TO: General Tribal Council
FROM: Jameson Wilson, LOC Chairperson 
DATE: September 3, 2025
RE: Intent to Amend the Oneida Personnel Policies and Procedures

The Oneida Personnel Policies and Procedures is a comprehensive law of the Nation that provides 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.

Comprehensive amendments have not been made to the Oneida Personnel Policies and Procedures in more than thirty (30) years. Within that time there have been many changes to the organization. The Nation has grown from employing fewer than four hundred (400) individuals to now employing more than two thousand (2,000) individuals. Although many changes have occurred within the Nation over the years, our laws have not been updated accordingly. The Legislative Operating Committee (LOC) determined it is time to make comprehensive amendments to the Oneida Personnel Policies and Procedures to ensure that the Nation's employment practices best meet the needs of the Nation.

One area for improvement in the Oneida Personnel Policies and Procedures that has been identified by the LOC is its overall structure and composition. Currently, the Oneida Personnel Policies and Procedures not only contains broad policy direction and regulations for our employment practices, but it also contains a lot of very specific processes that govern day-to-day activities related to employment. By locking so many specific day-to-day processes in the law itself, we have done a disservice to the Nation because we have limited our ability to be flexible and adapt to conditions that affect employment as they arise, without having to amend a law which can be a lengthy and involved process.

The LOC determined that the current issues with the overall structure and composition of the Oneida Personnel Policies and Procedures can be improved by utilizing administrative rulemaking in accordance with the Nation's Administrative Rulemaking law. The Administrative Rulemaking law provides an efficient, effective, and democratic process for enacting and revising administrative rules. [1 O.C. 106.1-2]. A rule is a set of requirements enacted by an authorized agency in order to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(h)]. The law would provide the general framework and policy direction and regulations, while the rules would provide the details on how the policy provided for in the law is implemented and enforced.

It is the intention of the LOC to amend the Oneida Personnel Policies and Procedures to delegate administrative rulemaking authority to the Human Resources Department to develop rules regarding employment practices of the Nation in accordance with the Administrative Rulemaking law. Utilizing the Administrative Rulemaking law for the promulgation of rules regarding employment practices instead of including this information in the law itself provides greater

flexibility to the Human Resources Department to develop rules that best meet the needs of the Nation in its current circumstances. The Administrative Rulemaking law still ensures that the process for developing rules is transparent and the community has an opportunity to provide input during the administrative rulemaking process.

The LOC has been reviewing the Oneida Personnel Policies and Procedures with the Human Resources Department to review and determine what topics belong in the law, and what topics should be delegated to be addressed in administrative rulemaking. Below is a chart which demonstrates topics the LOC believes should be addressed in the law in comparison to topics that should be addressed in the rules:

<i>Topics to Be Addressed in Law</i>	<i>Topics to be Addressed in Rules</i>
<ul style="list-style-type: none"> ▪ Order of Indian preference ▪ Statement against hiring/promotion decisions that create a conflict of interest or nepotism ▪ Personal and vacation accrual rates ▪ Leaves of absences ▪ Structure of the grievance process 	<ul style="list-style-type: none"> ▪ How to post a vacancy ▪ Requirements for job descriptions ▪ Holiday pay eligibility rules ▪ How to request and use personal or vacation time ▪ Recordkeeping

The LOC is informing the General Tribal Council of its intent to amend the Oneida Personnel Policies and Procedures in an effort to begin discussions on what amendments to the law the General Tribal Council would like to see.

As the LOC moves forward with developing amendments to the Oneida Personnel Policies and Procedures, the LOC intends to hold various community outreach events in an effort to collect more input on how the Oneida Personnel Policies and Procedures should be amended.

The LOC encourages everyone to participate in the legislative process and contribute their ideas for the Oneida Personnel Policies and Procedures amendments.

Requested Action

Accept as information the Legislative Operating Committee's memorandum regarding its intention to amend the Oneida Personnel Policies and Procedures.



Legislative Operating Committee
September 3, 2025

Higher Education Grant Law

Submission Date: 9/7/22	Public Meeting: N/A
LOC Sponsor: Jameson Wilson	Emergency Enacted: N/A

Summary: *This item was carried over from last term. At the August 24, 2022, Oneida Business Committee meeting the Oneida Business Committee adopted a motion to direct the Legislative Operating Committee to consider adding the Higher Education Policy to their Active Files List, and to consider adding rule making authority to said policy.*

9/7/22 LOC: Motion by Marie Summers to add the Trust Scholarship Fund Policy amendments to the Active Files List with David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

12/5/22: *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This meeting continued review of the Oneida Higher Education Student Handbook with discussion around parsing out criteria to include in a Law from information better suited to Rulemaking authority. Additionally, all Resolutions related to the Oneida Higher Education Scholarship were reviewed.

1/23/23: *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Laurie Laitinen-Warren, Grace Elliott. The purpose of this meeting was to review draft language for an Oneida Higher Education Scholarship Law.

1/26/23: *Work Meeting.* Present: David Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to discuss the historical legislative attempts related to an Oneida Higher Education Scholarship Law and Rulemaking Authority.

1/27/23: *Work Meeting.* Present: Mitch Metoxen, Misty Herzog, Grace Elliott. The purpose of this meeting was to listen to feedback from Oneida Higher Education on the draft Oneida Higher Education Scholarship Law.

1/30/23: *Work Meeting.* Present: David Jordan, Jennifer Webster, Marie Cornelius, Clorissa Leeman, Grace Elliott, Peggy Van Gheem, Mitch Metoxen, Misty Herzog, Jackie Smith, Laura Laitinen-Warren, Mark Powless, Kristal Hill. The purpose of this meeting was to begin review of the draft Oneida Higher Education Scholarship Law, answer questions, and provide an overview of the Oneida Higher Education Scholarship process.

2/1/23 LOC: Motion by Marie Cornelius to accept the memorandum and revise the title on the Active Files List from Trust Scholarship Fund Policy Amendments to Higher Education Scholarship Law; seconded by Daniel Guzman King Motion carried unanimously.

- 3/30/23:** *Work Meeting.* Present: David Jordan, Marie Cornelius, Daniel Guzman, Mark Powless, Mistylee Herzog, Mitch Metoxen, Peggy Van Gheem, Clorissa Leeman, Jackie Smith. The purpose of this meeting was to continue review of the draft Oneida Higher Education Scholarship law and to discuss amendments initiated at the meeting prior.
- 5/3/23 LOC:** *Work Meeting.* David Jordan, Marie Cornelius, Daniel Guzman, Kirby Metoxen, Clorissa Leeman, Kristal Hill. The purpose of this meeting was to choose a name for the Oneida Nation Higher Education Student Handbook when items currently listed in it are compiled through the Rulemaking process.
- 10/4/23 LOC:** Motion by Jonas Hill to add the Higher Education Scholarship Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.
- 10/10/23:** *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Mark Powless, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This was an introductory meeting on the origins of the Oneida Higher Education Scholarship and its evolution.
- 11/1/23 LOC:** Motion by Jonas Hill to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on December 6, 2023; seconded by Jennifer Webster. Motion carried unanimously.
- 11/14/23:** *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This meeting was to begin discussions on distinguishing criteria that would be appropriate for a Law from criteria more appropriate for Rulemaking.
- 11/20/23:** *Work Meeting.* Present: Mitch Metoxen, Mistylee Herzog, Jacqueline Smith, Ann McCotter, Grace Elliott. The purpose of this meeting was to review historical documents which provide the foundation for the implementation of the Higher Education Scholarship, and to begin review of the draft Higher Education Scholarship law.
- 11/27/23:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to review the PowerPoint presentation for the December 6th community meeting.
- 12/1/23:** *Work Meeting.* Present: Mark Powless, Jacqueline Smith, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to discuss rulemaking authority and the related processes.
- 12/4/23:** *Work Meeting.* Present: Mistylee Herzog, Jonas Hill, Jennifer Webster, Fawn Cottrell, Mitch Metoxen, Jacqueline Smith, Jameson Wilson, Fawn Billie, Kristal Hill, Ann McCotter, Clorissa Leeman, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to share foundational information relative to the Oneida Higher Education Scholarship and its development over the past almost thirty (30) years.
- 12/6/23:** *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenadore, Clorissa N. Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Lori Webster, Leon Webster, Larry Barton, Nancy Barton, Daniel Leyo, John E. Powless III, Carol Silva, Jeanette Ninham, Raeann Skenandore, Giza Powless Buenrostro, Jackie Smith, Rocky Hill, Carole Liggins, Kaylee Schuyler, Trina Schuyler, Quincy Granquist, Dan Webster, Marie Cornelius, Barbara Salutz, Carol Elm, Majorie Stevens, Misty Herzog, Josh, Gerzetich, Ann McCotter, Mitchel Metoxen, Katsi Danforth, Nova Danforth, Bill Gollnick, Bonnie Pigman, Nadine Escamea, Alyssa Perkins,

Emma King, Dr. Rosa King, Margaret King, Garth Webster, Daniel Doyen, Mark W. Powless, Kanani Nunies, Ululan Ninies, Beverly DeCoteau, Lexi Sickles, Laura Manthe, Tina Jorgensen, Stephanie Miscavitch VanEvery, Mark A. Powless Sr., and others. The purpose of this meeting was to listen to questions, comments, and concerns from community members about the Higher Education Scholarship.

12/20/23: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Maureen Perkins, Fawn Cottrell, Lawrence Barton. The purpose of this meeting was to review comments from the December 6th, 2023 community meeting, and to better understand the financial foundation and implications of the Higher Education Scholarship.

1/11/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Grace Elliott, Kristal Hill, via teams Fawn Cottrell, Fawn Billie, Maureen Perkins. The purpose of this meeting was to present the legislative history and research pertinent to the development of the Higher Education Scholarship law.

2/16/24: *Work Meeting.* Present: Jacqueline Smith, Ann McCotter, Mitchel Metoxen, Mistylee Herzog, Grace Elliott. The purpose of this meeting was to review the draft law addressing the details of the appeal and exception sections.

4/3/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Maureen Perkins. The purpose of this work meeting was to set a priority for this legislative item. The LOC decided this should be a medium priority.

5/6/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell. The purpose of this meeting was to discuss next steps in gathering information related to the authority to adopt amendments to the Higher Education Scholarship Law.

7/30/24: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Mistylee Herzog, Jacqueline Smith, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Clorissa Leeman, Mark Powless, Grace Elliott. The purpose of this meeting was to strategize on how to resume work on developing the Higher Education law with new leadership in the Higher Education department.

9/10/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Mark Powless, Clorissa Leeman, Kristal Hill, Maureen Perkins, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to revisit how the Higher Education law came to be on the Active Files List and to review both the distinctions and connections between the relevant resolutions and the preliminary allocation of terms included in the draft Law.

1/6/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Jenny Webster, Mark Powless, Jackie Smith, Misty Herzog, Clorissa Leeman, Carolyn Salutz, Fawn Billie, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to review the draft Higher Education Rules.

1/31/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Misty Herzog, Jackie Smith, Mark Powless, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Grace Elliott. The purpose of this meeting was to organize criteria contained in the Resolutions creating the Higher Education Scholarship.

2/7/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Mistylee Herzog, Jackie Smith, Mark Powless, Maureen Perkins, Grace Elliott. The purpose of this meeting was to review the draft Higher Education Rules.

Elliott. The purpose of this meeting was to clarify and evaluate criteria for the Higher Education Grant.

3/4/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jackie Smith, Misty Lee Herzog, Grace Elliott, Kristal Hill, Fawn Billie. The purpose of this meeting was to review the probation and suspension sections of the Higher Education Handbook.

4/28/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Mark Powless, Jackie Smith, Misty Lee Herzog, Fawn Billie, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to begin review of the topics drafted as essential to the draft law and rule.

5/22/25: *Work Meeting.* Present: Misty Herzog, Mark Powless, Grace Elliott. The purpose of this meeting was to discuss the details of how Higher Ed determines the amount of funding to allocate to each applicant.

7/1/25: *Work Meeting.* Present: Misty Herzog, Mark Powless, Jameson Wilson, Marlon Skenandore, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to discuss what unit of measurement is most accurate and efficient for determining the length of funding available to an applicant.

8/15/25: *Work Meeting.* Present: Misty Herzog, Mark Powless, Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to complete a read through of the draft law.

Next Steps:

- Approve the draft Higher Education Grant Law and direct that a legislative analysis be completed.

Title 9. Education - Chapter 903

Kaya>takenh@sla

It is helpful they'll go on to school

People of the Standing Stone, the great place where they teach them the traditions, money

HIGHER EDUCATION GRANT LAW

903.1 Purpose and Policy
903.2 Adoption, Amendment, Repeal
903.3 Definitions
903.4 Higher Education Office
903.5 Eligibility Requirements

903.6 Higher Education Grant
903.7 Enforcement
903.8 Appeals

903.1. Purpose and Policy

903.1-1. *Purpose.* The purpose of this law is to implement the Higher Education Grant program; and set forth the funding requirements and procedural controls for awarding Higher Education grants.

903.1-2. *Policy.* It is the policy of the Nation to provide a fiscally responsible and consistent methodology for awarding Higher Education grants to enhance postsecondary educational opportunities for members of the Nation.

903.2. Adoption, Amendment, Repeal

903.2-1. This law was adopted by the Oneida Business Committee by resolution BC- - - .

903.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

903.2-3. Should a provision of this law or the application thereof to any person or circumstances be held invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

903.2-4. In the event of a conflict between this law and a provision of another law of the Nation, the provisions of this law shall control.

903.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

903.3. Definitions

903.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Accredited program" means any educational institution accredited by a federally approved accrediting agency.

(b) "Appeal" means a request for review of a grant decision made by the Higher Education Office for which the requestor shall demonstrate that the entity has failed to abide by the provisions of this law or the Higher Education Student Rulebook.

(c) "Financial Needs Analysis" or "FNA" means the financial needs analysis form Oneida Higher Education sends directly to the school's financial aid office for completion. The school's financial aid office uses the appropriate FAFSA to complete our FNA.

(d) “Free Application for Federal Student Aid” or “FAFSA” means the application which determines eligibility for any financial resources such as state and federal funding.

(e) “Full-time student” means a student taking twelve (12) or more credits in an undergraduate or lower tier program, and nine (9) or more credits in a graduate level program.

(f) “Grade Point Average” or “GPA” means the measure of a student’s academic achievement arrived at by dividing the total grade points earned by the total number of credits funded by Oneida Higher Education Grant for the term measured.

(g) “Grant” means monetary funds awarded to a student through the Oneida Higher Education Grant Program.

(h) “Higher Education Student Rulebook” means the source of the rules and regulations for carrying out this law as further described in 903.4-1(b).

(i) “Member of the Oneida Nation” means an enrolled member of the Nation.

(j) “Nation” means the Oneida Nation.

(k) “Part-time student” means a student taking between six (6) and eleven (11) credits per term in an undergraduate or lower tier programs, and between six (6) and eight (8) credits for graduate or doctorate degree programs.

(l) “Postsecondary” means education following secondary school such as college, university, or vocational school.

(m) “Probation” means the term during which students must improve their GPA to meet the eligibility criteria for Higher Education Grant funding, pursuant to 903.5-1(f). A student placed on probation by the Higher Education Office shall continue to receive funding for one (1) term, during which they are required to regain eligibility.

(n) “Rule” means a set of requirements, enacted by the Oneida Higher Education Office in accordance with the Administrative Rulemaking law based on authority delegated in this law to implement, interpret and enforce this law.

(o) “Term” means a portion of an academic year during which an educational institution holds classes. Common terms such as a quarter, trimester, and semester are used to denote terms of specific durations.

903.4. Higher Education Office

903.4-1. The Higher Education Office shall award grants in accordance with the provisions of this law.

903.4-2. *Administrative Rulemaking.* The Oneida Higher Education Office shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern the administration of the Higher Education Grant program and shall make such rules and regulations available in the Higher Education Student Rulebook. The rules promulgated by the Higher Education Office shall at a minimum address:

(1) The Higher Education Student File clearly describing the documents required to complete the Higher Education Student File.

(2) Funding

(a) how funding periods are calculated.

(b) cap amounts for the following tiers:

- (i) associate degree, vocational or certificate program.
 - (ii) undergraduate degree.
 - (iii) graduate degree.
 - (iv) doctoral degree.
 - (3) Clearly describe application requirements and process.
 - (4) Clearly describe the appeals process.
 - (5) Additional rules may be promulgated, provided they do not conflict with any provision of this law.
- 903.4-3. The Oneida Higher Education Office shall develop and maintain standard operating procedures for the Higher Education Office.

903.5. Eligibility Requirements

903.5-1. *Eligibility Requirements.* To be eligible for a Higher Education Grant award, a student shall:

- (a) be an enrolled member of the Nation.
- (b) be enrolled in an accredited postsecondary vocational program, college, or university.
- (c) complete the Higher Education Student File with the Higher Education Office.
- (d) comply with FAFSA standards.
- (e) be pursuing a degree in a higher funding tier than any previously earned degree, unless they have remaining credits available under their current tier pursuant to 903.5-2.
- (f) meet GPA requirements, as follows:
 - (i) associate degree, vocational or certificate program must maintain a GPA of 2.0
 - (ii) undergraduate students must maintain a GPA of 2.0
 - (iii) graduate students must maintain a GPA of 3.0
 - (iv) doctoral must maintain a GPA of 3.0; except where:
 - (i) The school's grading policy considers professional doctoral students (MDs and JDs) to be in good academic standing even with a GPA below 3.0.
 - (v) apprenticeship/certificate/license students must maintain academic progress and submit scheduled/monthly progress reports.

903.5-2. *Length of Funding.* The following are the maximum credit allocations for grant funding:

- (a) ninety (90) credits for an associate degree, vocational or certificate program.
- (b) one hundred fifty (150) credits for an undergraduate degree.
- (c) sixty (60) credits for a graduate degree.
- (d) one hundred twenty (120) credits for a doctoral degree.

903.5-3. Students who have not used the maximum credit allocation under their highest degree earned tier may remain in that tier up to the credit limit.

903.5-4. *Probation.* Students may be placed on probation for failure to earn the required GPA if their GPA falls between:

- (a) 1.0-1.9 for associate degree, vocational, certificate program, and undergraduate students.
- (b) 2.0-2.9 for graduate students.

903.6. Higher Education Grant

903.6-1. *Tiered Funding System.* The Oneida Higher Education Office, in accordance with the Administrative Rule Making Procedure, shall establish maximum funding caps for the following funding tiers:

- (a) associate degree, vocational or certificate program.
- (b) undergraduate degree.
- (c) graduate degree.
- (d) doctoral degree.

903.6-2. *Award.* The amount of the grant awarded to a student is based upon:

- (a) The funding cap for each tier under Section 903.6-1.
- (b) The minimum award package shall consist of:
 - (1) Full-time students shall receive funding for tuition, fees, books, and room and board up to the funding cap amount for their program.
 - (2) Part-time students shall receive funding for tuition, fees, and books up to the funding cap amount for their program.
 - (3) Students taking one (1) to five (5) credits shall receive funding for tuition, fees, and books up to the funding cap for their program.
- (c) If the student's financial need, as determined by the financial needs analysis, exceeds the minimum award package, the student shall receive an award equal to their financial need, up to the maximum allowed by the funding tier cap.
 - (1) A full-time student's award may also cover transportation and personal/miscellaneous expenses.
 - (2) A part-time student's award may also cover room and board, transportation and personal/miscellaneous expenses.

903.7. Enforcement

903.7-1. *Accountability.* The Higher Education Office shall deny any student who violates this law or fails to comply with the Higher Education Student Rulebook.

903.8. Appeals

903.8-1. *Appeal Process and Requirements.* A student may appeal a grant decision made by the Higher Education Office within twenty (20) calendar days of receipt of the decision the student is appealing, but only to the extent that the student is able to demonstrate that the Higher Education Office failed to abide by the provisions of this law or the Higher Education Student Rulebook.

End.

Adopted- BC Resolution:



Legislative Operating Committee
September 3, 2025

Real Property Law Amendments

Submission Date: 1/22/20	Public Meeting: N/A
LOC Sponsor: Jameson Wilson	Emergency Enacted: N/A

Summary: *This item was carried over from the last two (2) terms. It was added to the AFL in January 2020 by request of the Oneida Law Office to emergency amend the delegation of rulemaking authority given Oneida Land Commission, Land Management & Comprehensive Housing Division. The amendments added a provision that delegates rulemaking authority to these agencies as needed to exercise their authority and manage the responsibilities bestowed upon them by law. The basis for the emergency was to give Comprehensive Housing Division, Oneida Land Commission & Land Management authority to develop rules under the law regarding land acquisitions. Rulemaking authority was sought to address such acquisitions due to the transparency and oversight that the process of the Administrative Rulemaking law provides.*

Emergency amendments to the law were sought to preserve the general welfare of the Reservation population as the amendments ensure that the homeownership and land acquisition strategies related to the Nation's HIP and THRIFTT programs were not jeopardized by allowing immediate updates to the program processing and required component that authorizes land acquisitions.

Emergency amendments were adopted by the OBC through resolution BC-01-22-20-B. The amendments were set to expire on July 22, 2020. On July 22, 2020, the OBC adopted resolution BC-07-22-20-A, extending the emergency amendments to the Real Property law for an additional six (6) month timeframe – to expire on January 22, 2021.

10/4/23 LOC: Motion by Jennifer Webster to add the Real Property Law Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

11/13/23: *Work Meeting.* Present: Grace Elliott, Krystal John, Lisa Rauschenbach, Nicole Rommel, Mark Powless, Scott Denny, Michelle Hill, Clorissa Leeman. The purpose of this meeting was to renew discussion on amendments to the Real Property Law. Significant amendments were recommended by the work group. Next steps are to incorporate the amendments requested thus far and pick up at §601.7-3.

2/13/24: *Work Meeting.* Present: Kristal Hill, Lisa Rauschenbach, Nicole Rommel, Michelle Hill, Grace Elliott. The purpose of this meeting was to complete the first review of the entire Real Property law. Significant amendments were suggested. Next steps are to incorporate the amendments requested and then have the team examine the amendments for accuracy.

3/22/24: *Work Meeting.* Present: Grace Elliott, Michelle Hill, Mark Powless, Danielle White, Lisa Rauschenbach, Nicole Rommel. The purpose of this meeting was to review proposed amendments to the Real Property law.

- 3/28/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Scott Denny, Maureen Perkins, Danielle White, Fawn Cottrell, Lisa Rauschenbach, Nicole Rommel, Krystal John. The purpose of this meeting was to review proposed amendments to the Real Property law.
- 4/16/24:** *Work Meeting.* Present: Marlon Skenandore, Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Scott Denny, Maureen Perkins, Mark Powless, Danielle White, Fawn Cottrell, Lisa Rauschenbach, Nicole Rommel, Eric McLester, Krystal John. The purpose of this meeting was to review proposed amendments to the Real Property law.
- 6/11/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Fawn Cottrell, Mark Powless, Maureen Perkins. Kristal Hill, Eric McLester, Clorissa Leeman, Nicole Rommel, Grace Elliott. The purpose of this meeting was to review proposed amendments to the Real Property Law.
- 7/2/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Krystal John, Michelle Hill, Eric McLester, Nicole Rommel, Clorissa Leeman, Kristal Hill, Maureen Perkins, Mark Powless, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review various methods of holding ownership including tenants in common and joint tenancy with the right of survivorship.
- 7/25/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Krystal John, Michelle Hill, Eric McLester, Nicole Rommel, Clorissa Leeman, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Mark Powless, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to proofread the draft amendments to the Real Property law.
- 12/10/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to review the draft Real Property law as it relates to the development of the probate law.
- 12/18/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Kristal Hill, Fawn Billie, Fawn Cottrell, Maureen Perkins, Grace Elliott. The purpose of this meeting was to review the draft amendments to the Real Property law. The LOC identified several areas to be researched and reconsidered.
- 1/28/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to review the delegation of rulemaking authority within the Real Property law.
- 6/6/25:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Kristal Hill, Krystal John, Michelle Hill, Mark Powless, Eric McLester, Grace Elliott. The purpose of this meeting was to review the entire Real Property law with a focus on the delegations of rulemaking authority.
- 8/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Eric McLester, Nicole Rommel, Krystal John, Michelle Hill, Kristal Hill, RC Metoxen, Grace Elliott. The purpose of this meeting was to finish the review of the draft starting on line 282.

8/21/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Krystal John, Mark Powless, Michelle Hill, Nicole Rommel, Lisa Rauschenbach, Eric McLester, Fawn Billie, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to review the changes related to the draft amendments to the Public Use of Tribal Land Law.

8/28/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Krystal John, Nicole Rommel, Lisa Rauschenbach, Eric McLester, Gregory Matson, Mark Powless, Fawn Billie, Fawn Cottrell, Rhiannon Metoxen, Grace Elliott. The purpose of this meeting was to complete a full read through of the draft.

Next Steps:

- Approve the draft amendments to the Real Property Law and direct that a legislative analysis be completed.

Title 6. Property and Land – Chapter 601
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The real/certain laws of the territory of the nation
REAL PROPERTY

601.1. Purpose and Policy
601.2. Adoption, Amendment, Repeal
601.3. Definitions
601.4. General Provisions
601.5. Holding of Ownership
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601.12. Organization

601.1. Purpose and Policy

601.1-1. *Purpose.* The purpose of this law is to provide regulations and procedures for the transfer, control and management of all Tribal land; and to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold concurrent jurisdiction.

601.1-2. *Policy.* It is the policy of the Nation to set out the responsibilities and expectations for purchasing and managing real property on behalf of the Nation and to provide real property holder's rights and responsibilities.

601.2. Adoption, Amendment, Repeal

601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and BC-02-08-17-A, BC-05-09-18-A and BC-xx-xx-xx-x.

601.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

601.2-3. 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.

601.2-4. 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. Provided that, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.

601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

601.3. Definitions

601.3-1. 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, subject to 601.4-5.

(a) "Certified survey map" means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.

(b) "Comprehensive Housing Division" means the division within the 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, residential leasing, the rent-to-own program, and the residential sales and mortgages programs.

(c) "Deed" means the formal document used to transfer title from one (1) party to another.

(d) "Easement" means a real property right to cross or otherwise utilize the land of another for a specified purpose and duration with just compensation.

- (e) “Individual fee land” means real property held in fee status by an individual or group of individuals.
- (f) “Individual trust land” means real property held in trust status by the United States of America for the benefit of a member of a federally recognized Indian tribe.
- (h) “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 Nation.
- (i) “Land Management” means the entity within the Nation that is the caretaker and manager of the Nation’s agricultural, commercial and leasing portfolios and performs all acquisitions on behalf of the Nation. Land Management reports to the Division Director of the Environmental, Land and Agricultural Division.
- (j) “Land use license” means an agreement entered into by the Nation providing a party the right to occupy and/or utilize a specified piece of land for a specific purpose and a temporary duration, which may require the Nation to be compensated for such use.
- (k) “Leasehold mortgage” means a mortgage, deed of trust, or other instrument that pledges a lessee’s leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.
- (l) “Nation” means the Oneida Nation.
- (m) “Real property” means land and anything growing on, attached to, or erected on the land, excluding anything that may be severed without injury to the land.
- (n) “Reservation” means all the 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.
- (o) “Restricted fee status” or “Restricted fee” means title to the land is held by an individual Indian person or a tribe and can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior because of limitations imposed under federal law.
- (p) “Rule” means a set of requirements, including fee schedules, enacted by the Tribal entities in accordance with this law and the Administrative Rulemaking law, based on authority delegated in this law in order to implement, interpret and/or enforce this law.
- (q) “Senior management” means the highest level positions employed by the Nation in the non-enterprise chain of command under the Oneida Business Committee.
- (r) “TAAMS” (Trust Asset and Accounting Management System) means the Bureau of Indian Affairs system for maintaining and tracking land title documents and all legal documents relating to land transactions.
- (s) “Title status report” means a report issued after a title examination of trust land which shows the proper legal description of a tract of Tribal land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on records; and whether the land is in unrestricted, restricted, trust, or other status generated in TAAMS..
- (t) “Title report” means a report issued after a title examination of the Nation’s and applicable counties land records which shows the proper legal description and includes any applicable conditions, exceptions, restrictions or encumbrances.
- (u) “Tribal fee land” means land held in fee status by the Nation.
- (v) “Tribal land” means Tribal fee land and/or Tribal trust land.
- (w) “Tribal member” means an individual who is an enrolled member of the Nation.
- (x) “Tribal trust land” means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions against alienation or encumbrance; land reserved for federal purposes; and/or land held by

the United States in trust for the Nation under Section 17 of the Indian Reorganization Act, 25 U.S.C §477, et. seq.

601.4. General Provisions

601.4-1. *Applicable Real Property.* The provisions of this law extend to all Tribal member's individual fee land and individual trust land within the Reservation boundaries and all Tribal land.

601.4-3. *Sale of Tribal Land Prohibited.* The sale of Tribal land located within twenty-five (25) miles of the exterior boundaries of the Reservation is expressly prohibited,, except under the following circumstances:

(a) The transaction is intended to consolidate or partition Tribal trust land and/or individual trust land.

(b) The land is located off the Reservation but within twenty-five (25) miles of the exterior boundaries of the Reservation, and the sale is approved by formal resolution of the Oneida Business Committee.

601.4-4. *New Land Assignments Prohibited.* The Nation may not acknowledge any new land assignments. Further, in order to be eligible for a Tribal loan issued against a real property interest held as a land assignment, the land assignment shall first be converted to a residential lease.

601.4-6. *No Waiver of Sovereign Immunity.* Nothing in this law may be construed as a waiver of the Nation's sovereign immunity.

601.5. Organization

601.5-1. *Comprehensive Housing Division.* The Comprehensive Housing Division shall oversee all residential transactions on Tribal Land within the Reservation and shall process and administer such transactions using the applicable sections of the Landlord-Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any corresponding rules. In addition, the Comprehensive Housing Division shall exercise rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential improvement.

601.5-2. *Oneida Land Commission.* The Oneida Land Commission is comprised of seven (7) elected Tribal members and shall:

(a) approve or deny all acquisition of Tribal land provided that the Land Commission may delegate acquisition sign-off authority to the Environmental, Land and Agricultural Division Director pursuant to Land Commission resolution; and

(b) name all buildings, roads, parks and the like on Tribal land.

601.5-3. *Land Management.* Land Management shall implement this law in accordance with the policy directives provided by the Oneida Business Committee and senior management . Land Management shall:

;

(a) Interpret the provisions of this law and create policy as needed;

(b) Exercise rulemaking authority pursuant to the Administrative Rulemaking Law to:

(1) Clearly describe the process and procedure for approving agriculture and commercial leases. (2) Create a fine and penalty schedule for violations of this law and its corresponding rules; and

(3) Any other rule needed to implement or interpret the provisions of this law.

(4) Provided that, such rules shall be approved by senior management prior to their submission to the Legislative Operating Committee pursuant to the Administrative Rulemaking Law.

(c) Administer and oversee the Oneida Nation Register of Deeds and any other trust title responsibilities;

(d) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules;(e) Prepare title reports and process trust transactions; and

(f) Process land acquisition transactions as approved by the Oneida Land Commission.

(g) Manage the Tribal Land portfolio and act as the caretaker of all unassigned lands.

(h) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules.

(i) Process requests for easements and land use licenses.

(j) Administer all internal building and land assignments to internal entities of the Nation as approved by senior management.

(k) Administer all transactions which add real property to the Tribal land base under the provisions of this law.

(l) Prepare and maintain title reports and accurate land records.

(m) Perform real estate services for individual trust landowners in accordance with the self-governance compact to include collection and submittal of required documents for the Bureau of Indian Affairs to review and approve easements, conveyances and other real estate transactions.

(n) Process compile and submit the Nation's fee to trust applications in accordance with the priorities approved by senior management.

(o) Determine which Tribal land will be posted and ensure the appropriate signs are posted.

601.6. Holding of Ownership

601.6-1. Interests in real property by more than one (1) person may be held in the following ways:

(a) *Joint Tenancy with the Right of Survivorship*. Pursuant to this ownership mechanism each owner has an equal, undivided interest in the real property. When an owner dies, their share is divided among the remaining owners; the last living owner owns the entire property.

(1) Real property owned by married persons is held under this mechanism unless they have executed a valid marital property agreement specifically stating that the real property in question is held as tenants in common.

(b) *Tenancy in Common*. Pursuant to this ownership mechanism each owner has a percentage of divided interest in the real property. When an owner dies, their interest is divided among their devisees or heirs.

(1) Real property owned by more than one (1) person, other than married persons, is owned under this mechanism unless a deed or transfer document specifically states the real property is held as joint tenants with rights of survivorship.

601.7. Legal Descriptions

601.7-1. Legal descriptions defining land boundaries shall be complete, providing unequivocal identification of line or boundaries.

601.7-2 The legal description for any real property transferred under this law shall be derived from a certified survey map or survey completed by a registered land surveyor according to currently accepted minimum industry standards for property surveys. If the plat of survey changes the legal description of the certified survey map for the same piece of property, the certified survey map's legal description shall be used on transfer documents along with the survey description, which shall be designated as "Also Known As ..." Section, township, range and fourth principal meridian shall be included in all legal descriptions.

601.7-3. Every land survey shall be made in accordance with the Oneida Nation Register of Deeds' recording standards for Tribal trust or restricted fee lands and individual trust lands, the county register of deeds' records for fee land, and the Bureau of Indian Affairs Land Titles and Records Office recording standards.

601.-.

601.7-4. All surveys prepared for the Nation shall comply with survey requirements outlined in the Wisconsin Administrative Code, Chapter A-E7 and indicate setbacks, building locations and encroachments, as applicable.

601.7-5. Legal descriptions shall be used on transfer documents formalizing all acquisitions of land, trust or restricted fee acquisitions..

601.8. Title Transfer

601.8-1. *Trust Acquisition.* Land Management shall use title companies duly registered with the Department of Interior to update abstracts or provide title insurance on real property scheduled for trust or restricted fee acquisition.

(a) Land Management applications to convert Tribal fee land into trust land or restricted fee land shall comply with all applicable federal requirements.

(i) After land is in trust or restricted fee status Land Management shall request a title status report and title report. For the purposes of this section, a valid encumbrance is one that has been preapproved, in writing, by the Nation in accordance with applicable requirements.

601.8-2. *Deeds.* Valid deeds shall:

(a) *Fee Deeds:*

(1) Be in writing;

(2) Identify the grantor (seller) and grantee (buyer);

(3) Provide the legal description of the real property;

(4) Identify the interest conveyed, as well as any conditions, reservations, exceptions, or rights of way attached to the interest;

(5) Be signed by or on behalf of each of the grantors (sellers);

(6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if applicable; and

(7) Be delivered to the grantee (buyer).

(b) *Trust Deeds and/or Restricted fee Deeds.* In addition to the requirements listed in section 601.7-2(a), a deed prepared for trust or restricted fee acquisition shall comply with all applicable federal laws and guidelines.

(c) *Requirement to record.* A deed transferring title shall be recorded with the Oneida Nation Register of Deeds provided that any trust or restricted fee deeds shall comply with any additional federal recording requirements.

601.8-3. *Involuntary Transfer of Title.* All involuntary transfers of title may occur in the following ways:

(a) *Eminent Domain*. Eminent domain is the right of the Nation's government to acquire Tribal member individual fee land within the Reservation for public uses without the consent of private owners.

(1) For the purposes of this section, public uses include, but are not limited to, environmental protection, streets, highways, sanitary sewers, public utility/sites, waste treatment facilities and public housing.

(2) Prior to exercising eminent domain, the Nation shall first attempt to negotiate an agreeable taking by making an offer to purchase based on an appraisal of the real property. The appraisal amount may be based on an appraisal provided by the Nation. In the event the property owner objects to the Nation's appraisal, they may obtain an independent appraisal at their own cost. For the purposes of this section, an appraisal means process for estimating a piece of real property's value.

(3) The Nation's exercise of eminent domain shall be limited to a right of last resort. Parties contesting authority or consideration as related to the Nation's exercise of eminent domain may contest the acquisition by filing a complaint with the Oneida Judiciary.

(b) *Foreclosure*. Foreclosures may occur subject to the Mortgage and Foreclosure law when a Tribal member ceases payment on a mortgage.

(c) *Tribal Land Consolidation*. The Nation may acquire land in compliance with the Indian Land Consolidation Act. ~~is incorporated into this law, which provides a mechanism for real property within the Reservation to escheat, or pass, to the Nation.~~

~~(1) Pursuant to section 207 of the Indian Land Consolidation Act, an ownership interest in real property escheats, or passes, to the Nation under the following circumstances, provided that the Nation shall provide just compensation for the interest:~~

~~(A) The real property is within the Reservation boundaries;~~

~~(B) The decedent's ownership in the given parcel of land is two percent (2%) or less of the total acreage; and~~

~~(C) The interest is incapable of earning one hundred dollars (\$100) in any one (1) of the five (5) years immediately following the decedent's death.~~

~~(2) A decedent's heirs may appeal a land consolidation under this section to the Judiciary.~~

~~(3) Land consolidation is subject to the probate requirements, as included in this law and accompanying rules.~~

~~(d) *Transferring Interests Inherited by Non-Tribal Members*. If the owner of an interest of real property which is held in trust or restricted fee status located within the Reservation devises such interest to a non-Tribal member, the Nation may acquire the interest by paying the fair market value of the interest determined as of the date of the decedent's death. Such transfer is effective upon receipt of an order transferring inherited interests from the Judiciary pursuant to section 205 of the Indian Land Consolidation Act.~~

~~(1) An order transferring inherited interests may not be granted if:~~

~~(A) While the decedent's estate is pending, the non-Indian devisee denounces his or her interest in favor of a Tribal member person;~~

~~(B) The interest is part of a family farm that is devised to a member of the immediate family of the decedent, provided that such a restriction shall be recorded as part of the deed relating to the interest involved; or~~

~~(C) The devisee agrees in writing that the Nation may acquire the interest for fair market value only if the interest is offered for sale to a person or entity that is not a member of the immediate family of the owner~~

(ed) *Easement by Necessity*. An owner of a landlocked parcel may seek nondiscretionary easement by filing a complaint with the Oneida Judiciary alleging a nondiscretionary easement is needed as against the named property owner by the filing party because the filing party has no other reasonable means to access their real estate but for the issuance of an easement by necessity granted by the Court. An easement by necessity is created when a grantor conveys lands that have no outlet to a public road except over the grantor's remaining lands. The easement by necessity arises in favor of a property owner if the owner can prove common ownership of the proposed servient and dominant estates at the time of the severance that created the landlocked condition that the landlocked parcel had no access to a public roadway after it was severed, and such lack of access continues. In such a case, an easement by necessity is created over the grantor's remaining lands to allow the grantee access to the public road. Common ownership of the benefited and burdened parcels before the conveyance occurred is a necessary precondition for establishing a way of necessity. Easements by necessity may be created even if separation of two parcels under common ownership results from an involuntary transfer, such as a tax sale.

(e) *Prescriptive Easement*. A prescriptive easement is an easement acquired through open and notorious use of an owner's land which is adverse to the owner's rights for a continuous and uninterrupted period of twenty (20) years. An action to establish a prescriptive easement granting the right to continue to use the property in that manner may be commenced by filing a complaint with the Oneida Judiciary.

(e) *Easement by Written Instrument*. An action for the recovery or possession of real estate and a defense or counterclaim based upon title to real estate are barred by uninterrupted adverse possession of seven (7) years.

(f) *Adverse Possession Prohibited*. Adverse possession can never be used against the Nation.

601.8-4. Land Management shall work with the Oneida Law Office to pursue an involuntary transfer of title on behalf of the Nation.

601.9. Leasing of Real Property

601.9-1. In accordance with the Leasing law, Land Management shall administer and process all leasing of Tribal land for agricultural and commercial purposes and the Comprehensive Housing Division shall administer and process all leasing of Tribal land for residential purposes. The Leasing law definition of Tribal land does not include Tribal fee land; however, pursuant to this law, the responsible parties designated herein shall administer and process leases of all Tribal land in accordance with the Leasing law, and the Eviction and Termination law.

601.10. Trespass

601.10-1. A person commits trespass if they enter or occupy Tribal land, or land owned by a Tribal member located within the boundaries of the Reservation, without proper authorization and:

(a) Refuse to leave land to which they have no reasonable claim or right of possession when requested to do so.

(b) After being notified by the landowner or lawful occupant that permission to enter has been denied, revoked, or does not exist. Notification may be provided in the following ways:

- 317 (1) Public notice through publication of the Land Access Map on the Nation's website
318 and/or in the Nation's newspaper.
- 319 (2) Physical posting of the land, which shall be deemed sufficient if one (1) of the
320 following conditions is met:
- 321 (i) A sign at least eleven inches (11") square is placed in at least two (2)
322 conspicuous locations for every forty (40) acres of land. The sign must include
323 appropriate notice and the name of the person giving notice, followed by "owner"
324 if the person holds legal title, or "occupant" if the person is a lawful occupant
325 without legal title.
- 326 (2) Markings at least one foot (1') long, in a contrasting color, bearing the phrase
327 "Private Land" and the name of the owner, are placed in at least two (2) conspicuous
328 locations for every forty (40) acres.
- 329 (c) Engage in any of the following activities without proper authorization through a lease,
330 permit, or as otherwise required under applicable law:
- 331 (1) Destroy or damage land, waters, livestock, poultry, buildings, equipment, or
332 other property.
- 333 (2) Cut, destroy, or remove any wood, timber, plant, vegetation, or crop.
- 334 (3) Hunt, trap or fish, or attempt to do so.
- 335 (4) Dig, extract, or remove earth, soil, minerals, cultural resources, or other
336 property.
- 337 (5) Post, paint, or affix notices, advertisements, signs, or other public
338 communications on another's property.
- 339 (6) Parks or operate a vehicle on the land.
- 340 (7) Permit or allow livestock or any domestic animal to enter or remain on the land.
- 341 (8) Uses or occupies leased or subleased lands in a manner that exceeds the
342 possessory rights granted under the terms of the lease or sublease.
- 343 (9) Dumps, deposits, places, throws, burns, emits or leaves any rubbish, refuse, debris,
344 substances, or object on any highway, road, air, waterway or land without lawful authority or
345 permission.

346 **601.11. Records**

347 601.11-1. *Purpose.* Land Management shall oversee the administration of the Oneida Nation
348 Register of Deeds which shall accept and record documents related to real property located within
349 the Reservation, as well as documents related to all Tribal fee land, regardless of where it is located.

350 601.11-2. *Types of Records.* The Oneida Nation Register of Deeds may only accept documents
351 that provide evidence of activities affecting real property title, preserve the record of a title
352 document and give constructive notice of changes to a title document. Further, such documents
353 shall be originals, signed duplicates or certified copies. The Oneida Nation Register of Deeds may
354 accept documents, including but not limited to:

- 355 (a) Deeds;
- 356 (b) Probate orders;
- 357 (c) Mortgages and other valid liens;
- 358 (d) Easements, covenants, and restrictions;
- 359 (e) Certified survey maps and plats of survey;
- 360 (f) Patents;
- 361 (g) Declarations of involuntary transfer or taking;
- 362 (h) Satisfactions;
- 363 (i) Leases;
- 364 (j) Home ownership agreements made pursuant to the Landlord-Tenant law;

(k) Marriage agreements; and

(l) Correction of title defects.

601.11-3. *Accessibility*. The Oneida Nation Register of Deeds shall provide access to land records and title documents subject to fees detailed in the fee schedule created by Land Management and approved by the Land Commission.

601.11-4. *Trust Land*. All documents pertaining to Tribal trust land and individual trust land shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles and Records Office.

601.11-5. *Tribal Seal*. The Nation's Secretary shall provide Land Management with the Nation's seal to be used to authenticate documents which are certified by the Oneida Nation Register of Deeds.

601.12. Real Estate Education Requirements and Certifications

601.12-1. *Wisconsin Real Estate Education and Exam Required*. Land Management employees engaging in the acquisition of Tribal fee land on behalf of the Nation, specifically those performing real estate closings, shall pass the Wisconsin Real Estate License Exam. Such persons are not required to obtain a Wisconsin Real Estate License, but shall fulfill the pre-license education requirement, pass the licensing exam and fulfill a minimum of twelve (12) hours or four (4) courses of continuing education requirements as required of Wisconsin real estate licensees. The Oneida Law Office shall select which continuing education courses are required. In addition to Wisconsin's minimum education requirements as applied to the Nation's real estate employees in this law, Land Management shall require such employees to attend real estate training specific to the Nation's goals and unique positions as the Oneida Law Office shall offer on an as-needed basis.

(a) While Wisconsin real estate law allows persons engaged in the sale of real estate to earn a commission, persons acquiring Tribal land on behalf of the Nation are regular employees of the Nation and, therefore, shall waive any commission for which they might otherwise be eligible.

(b) It is critical to the Oneida Nation's goal to reacquire property within the original Reservation boundaries to have employees educated and experienced in executing real estate transactions. Accordingly, Land Management shall, subject to budgetary constraints, employ at least two (2) employees whose primary responsibility is real estate acquisitions and shall ensure that a minimum of one (1) employee is adequately educated and trained to serve as a backup to the primary personnel.

601.12-2. *TAAMS Certification Required*. All persons responsible for encoding Tribal Trust land information shall obtain a TAAMS certification.

601.12-3. *Fiduciary Responsibility*. All employees of the Nation engaged in the buying of Tribal land shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all applicable Tribal and federal laws.

601.13. Enforcement

601.13-1. *Proof of Eligibility*. An officer of the Oneida Police Department or a designated warden may require any person to provide proof of eligibility to access or use any designated Tribal lands.

601.13-2. *Issuance of Citation*. An individual who violates a provision of this law may be issued a citation by an officer of the Oneida Police Department or a designated warden. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(a) A citation issued under this law, or pursuant to any order authorized by this law, may include fines, other penalties, and conditional orders as determined by the Trial Court.

(b) All citations shall be processed in accordance with the Nation's laws, rules, and policies governing citation procedures.

(c) Any order that is not complied with may be enforced by an officer of the Oneida Police Department or a designated warden. Enforcement actions may be taken at the expense of the owner.

(d) The Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or remove violations of this Law.

End.

Adopted-BC-05-29-96-A

Amended-BC-03-01-06-D

Amended-BC-04-28-10-E

Amended-BC-02-25-15-C

Amended-BC-05-13-15-B

Amended-BC-02-08-17-A

Emergency Amendment-BC-06-14-17-A

Amended-BC-05-09-18-A

Emergency Amended – BC-01-22-20-B

Extension of Emergency – BC-07-22-20-A (Expired)

Title 6. Property and Land – Chapter 601
Tok[^]ske Kayanl[^]hsla Tsi> Ni>yohuntsya=t#
The real/certain laws of the territory of the nation
REAL PROPERTY

601.1. Purpose and Policy
601.2. Adoption, Amendment, Repeal
601.3. Definitions
601.4. General Provisions
601.5. Holding of Ownership
601.6. Legal Descriptions

601.7. Title Transfer
601.8. Probate
601.9. Leasing of Real Property
601.10. Records
601.11. Real Estate Education Requirements and Certifications
601.12. Organization

601.1. Purpose and Policy

601.1-1. *Purpose.* The purpose of this law is to provide regulations and procedures for the transfer, control and management of all Tribal land; and to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold concurrent jurisdiction.

601.1-2. *Policy.* It is the policy of the Nation to set out the responsibilities and expectations for purchasing and managing real property on behalf of the Nation and to provide real property holder's rights and responsibilities.

601.2. Adoption, Amendment, Repeal

601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and BC-02-08-17-A, BC-05-09-18-A and BC-xx-xx-xx-x.

601.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

601.2-3. 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.

601.2-4. 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. Provided that, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.

601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

601.3. Definitions

601.3-1. 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, subject to 601.4-5.

(a) "Certified survey map" means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.

(b) "Comprehensive Housing Division" means the division within the 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, residential leasing, the rent-to-own program, and the residential sales and mortgages programs.

(c) "Deed" means the formal document used to transfer title from one (1) party to another.

- (d) “Easement” means a real property right to cross or otherwise utilize the land of another for a specified purpose and duration with just compensation.
- (e) “Individual fee land” means real property held in fee status by an individual or group of individuals.
- (f) “Individual trust land” means real property held in trust status by the United States of America for the benefit of a member of a federally recognized Indian tribe.
- (h) “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 Nation.
- (i) “Land Management” means the entity within the Nation that is the caretaker and manager of the Nation’s agricultural, commercial and leasing portfolios and performs all acquisitions on behalf of the Nation. Land Management reports to the Division Director of the Environmental, Land and Agricultural Division.
- (j) “Land use license” means an agreement entered into by the Nation providing a party the right to occupy and/or utilize a specified piece of land for a specific purpose and a temporary duration, which may require the Nation to be compensated for such use.
- (k) “Leasehold mortgage” means a mortgage, deed of trust, or other instrument that pledges a lessee’s leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.
- (l) “Nation” means the Oneida Nation.
- (m) “Real property” means land, and anything growing on, attached to, or erected on the land, excluding anything that may be severed without injury to the land.
- (n) “Reservation” means all the 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.
- (o) “Restricted fee status” or “Restricted fee” means title to the land is held by an individual Indian person or a tribe and can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior because of limitations imposed under federal law.
- (p) “Rule” means a set of requirements, including fee schedules, enacted by the Tribal entities in accordance with this law and the Administrative Rulemaking law, based on authority delegated in this law in order to implement, interpret and/or enforce this law.
- (q) “Senior management” means the highest level positions employed by the Nation in the non-enterprise chain of command under the Oneida Business Committee.
- (r) “TAAMS” (Trust Asset and Accounting Management System) means the Bureau of Indian Affairs system for maintaining and tracking land title documents and all legal documents relating to land transactions.
- (s) “Title status report” means a report issued after a title examination of trust land which shows the proper legal description of a tract of Tribal land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on records; and whether the land is in unrestricted, restricted, trust, or other status generated in TAAMS.
- (t) “Title report” means a report issued after a title examination of the Nation’s and applicable counties land records which shows the proper legal description and includes any applicable conditions, exceptions, restrictions or encumbrances.
- (u) “Tribal fee land” means land held in fee status by the Nation.
- (v) “Tribal land” means Tribal fee land and/or Tribal trust land.
- (w) “Tribal member” means an individual who is an enrolled member of the Nation.
- (x) “Tribal trust land” means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions

against alienation or encumbrance; land reserved for federal purposes; and/or land held by the United States in trust for the Nation under Section 17 of the Indian Reorganization Act, 25 U.S.C §477, et. seq.

601.4. General Provisions

601.4-1. *Applicable Real Property*. The provisions of this law extend to all Tribal member's individual fee land and individual trust land within the Reservation boundaries and all Tribal land.

601.4-3. *Sale of Tribal Land Prohibited*. The sale of Tribal land located within twenty-five (25) miles of the exterior boundaries of the Reservation is expressly prohibited, except under the following circumstances:

(a) The transaction is intended to consolidate or partition Tribal trust land and/or individual trust land.

(b) The land is located off the Reservation but within twenty-five (25) miles of the exterior boundaries of the Reservation, and the sale is approved by formal resolution of the Oneida Business Committee.

601.4-4. *New Land Assignments Prohibited*. The Nation may not acknowledge any new land assignments. Further, to be eligible for a Tribal loan issued against a real property interest held as a land assignment, the land assignment shall first be converted to a residential lease.

601.4-6. *No Waiver of Sovereign Immunity*. Nothing in this law may be construed as a waiver of the Nation's sovereign immunity.

601.5. Organization

601.5-1. *Comprehensive Housing Division*. The Comprehensive Housing Division shall oversee all residential transactions on Tribal Land within the Reservation and shall process and administer such transactions using the applicable sections of the Landlord-Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any corresponding rules. In addition, the Comprehensive Housing Division shall exercise rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, which apply in all circumstances when the Nation is selling a residential improvement.

601.5-2. *Oneida Land Commission*. The Oneida Land Commission is comprised of seven (7) elected Tribal members and shall:

(a) approve or deny all acquisition of Tribal land provided that the Land Commission may delegate acquisition sign-off authority to the Environmental, Land and Agricultural Division Director pursuant to Land Commission resolution; and

(b) name all buildings, roads, parks and the like on Tribal land.

601.5-3. *Land Management*. Land Management shall implement this law in accordance with the policy directives provided by the Oneida Business Committee and senior management. Land Management shall:

(a) Interpret the provisions of this law and create policy as needed.

(b) Exercise rulemaking authority pursuant to the Administrative Rulemaking Law to:

(1) Clearly describe the process and procedure for approving agriculture and commercial leases.

(2) Create a fine and penalty schedule for violations of this law and its corresponding rules; and

(3) Any other rule needed to implement or interpret the provisions of this law.

(4) Provided that, such rules shall be approved by senior management prior to their submission to the Legislative Operating Committee pursuant to the Administrative Rulemaking Law.

(c) Administer and oversee the Oneida Nation Register of Deeds and any other trust title responsibilities.

(d) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules.

(e) Prepare title reports and process trust transactions.

(f) Process land acquisition transactions as approved by the Oneida Land Commission.

(g) Manage the Tribal Land portfolio and act as the caretaker of all unassigned lands.

(h) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules.

(i) Process requests for easements and land use licenses.

(j) Administer all internal building and land assignments to internal entities of the Nation as approved by senior management.

(k) Administer all transactions which add real property to the Tribal land base under the provisions of this law.

(l) Prepare and maintain title reports and accurate land records.

(m) Perform real estate services for individual trust landowners in accordance with the self-governance compact to include collection and submittal of required documents for the Bureau of Indian Affairs to review and approve easements, conveyances and other real estate transactions.

(n) Process compile and submit the Nation's fee to trust applications in accordance with the priorities approved by senior management.

(o) Determine which Tribal land will be posted and ensure the appropriate signs are posted.

601.6. Holding of Ownership

601.6-1. Interests in real property by more than one (1) person may be held in the following ways:

(a) *Joint Tenancy with the Right of Survivorship*. Pursuant to this ownership mechanism each owner has an equal, undivided interest in the real property. When an owner dies, their share is divided among the remaining owners; the last living owner owns the entire property.

(1) Real property owned by married persons is held under this mechanism unless they have executed a valid marital property agreement specifically stating that the real property in question is held as tenants in common.

(b) *Tenancy in Common*. Pursuant to this ownership mechanism each owner has a percentage of divided interest in the real property. When an owner dies, their interest is divided among their devisees or heirs.

(1) Real property owned by more than one (1) person, other than married persons, is owned under this mechanism unless a deed or transfer document specifically states the real property is held as joint tenants with rights of survivorship.

601.7. Legal Descriptions

601.7-1. Legal descriptions defining land boundaries shall be complete, providing unequivocal identification of line or boundaries.

601.7-2 The legal description for any real property transferred under this law shall be derived from a certified survey map or survey completed by a registered land surveyor according to currently accepted minimum industry standards for property surveys. If the plat of survey changes

the legal description of the certified survey map for the same piece of property, the certified survey map's legal description shall be used on transfer documents along with the survey description, which shall be designated as "Also Known As ..." Section, township, range and fourth principal meridian shall be included in all legal descriptions.

601.7-3. Every land survey shall be made in accordance with the Oneida Nation Register of Deeds' recording standards for Tribal trust or restricted fee lands and individual trust lands, the county register of deeds' records for fee land, and the Bureau of Indian Affairs Land Titles and Records Office recording standards.

601.7-4. All surveys prepared for the Nation shall comply with survey requirements outlined in the Wisconsin Administrative Code, Chapter A-E7 and indicate setbacks, building locations and encroachments, as applicable.

601.7-5. Legal descriptions shall be used on transfer documents formalizing all acquisitions of land, trust or restricted fee acquisitions.

601.8. Title Transfer

601.8-1. *Trust Acquisition.* Land Management shall use title companies duly registered with the Department of Interior to update abstracts or provide title insurance on real property scheduled for trust or restricted fee acquisition.

(a) Land Management applications to convert Tribal fee land into trust land or restricted fee land shall comply with all applicable federal requirements.

(b) After land is in trust or restricted fee status Land Management shall request a title status report and title report. For the purposes of this section, a valid encumbrance is one that has been preapproved, in writing, by the Nation in accordance with applicable requirements.

601.8-2. *Deeds.* Valid deeds shall:

(a) *Fee Deeds:*

(1) Be in writing;

(2) Identify the grantor (seller) and grantee (buyer);

(3) Provide the legal description of the real property;

(4) Identify the interest conveyed, as well as any conditions, reservations, exceptions, or rights of way attached to the interest;

(5) Be signed by or on behalf of each of the grantors (sellers);

(6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if applicable; and

(7) Be delivered to the grantee (buyer).

(b) *Trust Deeds and/or Restricted fee Deeds.* In addition to the requirements listed in section 601.8-2(a), a deed prepared for trust or restricted fee acquisition shall comply with all applicable federal laws and guidelines.

(c) *Requirement to record.* A deed transferring title shall be recorded with the Oneida Nation Register of Deeds provided that any trust or restricted fee deeds shall comply with any additional federal recording requirements.

601.8-3. *Involuntary Transfer of Title.* All involuntary transfers of title may occur in the following ways:

(a) *Eminent Domain.* Eminent domain is the right of the Nation's government to acquire Tribal member individual fee land within the Reservation for public uses without the consent of private owners.

(1) For the purposes of this section, public uses include, but are not limited to, environmental protection, streets, highways, sanitary sewers, public utility/sites, waste treatment facilities and public housing.

(2) Prior to exercising eminent domain, the Nation shall first attempt to negotiate an agreeable taking by making an offer to purchase based on an appraisal of the real property. The appraisal amount may be based on an appraisal provided by the Nation. In the event the property owner objects to the Nation's appraisal, they may obtain an independent appraisal at their own cost. For the purposes of this section, an appraisal means process for estimating a piece of real property's value.

(3) The Nation's exercise of eminent domain shall be limited to a right of last resort. Parties contesting authority or consideration as related to the Nation's exercise of eminent domain may contest the acquisition by filing a complaint with the Oneida Judiciary.

(b) *Foreclosure*. Foreclosures may occur subject to the Mortgage and Foreclosure law when a Tribal member ceases payment on a mortgage.

(c) *Tribal Land Consolidation*. The Nation may acquire land in compliance with the Indian Land Consolidation Act.

(d) *Easement by Necessity*. An owner of a landlocked parcel may seek nondiscretionary easement by filing a complaint with the Oneida Judiciary alleging a nondiscretionary easement is needed as against the named property owner by the filing party because the filing party has no other reasonable means to access their real estate but for the issuance of an easement by necessity granted by the Court. An easement by necessity is created when a grantor conveys lands that have no outlet to a public road except over the grantor's remaining lands. The easement by necessity arises in favor of a property owner if the owner can prove common ownership of the proposed servient and dominant estates at the time of the severance that created the landlocked condition that the landlocked parcel had no access to a public roadway after it was severed, and such lack of access continues. In such a case, an easement by necessity is created over the grantor's remaining lands to allow the grantee access to the public road. Common ownership of the benefited and burdened parcels before the conveyance occurred is a necessary precondition for establishing a way of necessity. Easements by necessity may be created even if separation of two parcels under common ownership results from an involuntary transfer, such as a tax sale.

(e) *Prescriptive Easement*. A prescriptive easement is an easement acquired through open and notorious use of an owner's land which is adverse to the owner's rights for a continuous and uninterrupted period of twenty (20) years. An action to establish a prescriptive easement granting the right to continue to use the property in that manner may be commenced by filing a complaint with the Oneida Judiciary.

(e) *Easement by Written Instrument*. An action for the recovery or possession of real estate and a defense or counterclaim based upon title to real estate are barred by uninterrupted adverse possession of seven (7) years.

(f) *Adverse Possession Prohibited*. Adverse possession can never be used against the Nation.

601.8-4. Land Management shall work with the Oneida Law Office to pursue an involuntary transfer of title on behalf of the Nation.

601.9. Leasing of Real Property

601.9-1. In accordance with the Leasing law, Land Management shall administer and process all leasing of Tribal land for agricultural and commercial purposes and the Comprehensive Housing Division shall administer and process all leasing of Tribal land for residential purposes. The Leasing law definition of Tribal land does not include Tribal fee land; however, pursuant to this

law, the responsible parties designated herein shall administer and process leases of all Tribal land in accordance with the Leasing law, and the Eviction and Termination law.

601.10. Trespass

601.10-1. A person commits trespass if they enter or occupy Tribal land, or land owned by a Tribal member located within the boundaries of the Reservation, without proper authorization and:

(a) Refuse to leave land to which they have no reasonable claim or right of possession when requested to do so.

(b) After being notified by the landowner or lawful occupant that permission to enter has been denied, revoked, or does not exist. Notification may be provided in the following ways:

(1) Public notice through publication of the Land Access Map on the Nation's website and/or in the Nation's newspaper.

(2) Physical posting of the land, which shall be deemed sufficient if one (1) of the following conditions is met:

(i) A sign at least eleven inches (11") square is placed in at least two (2) conspicuous locations for every forty (40) acres of land. The sign must include appropriate notice and the name of the person giving notice, followed by "owner" if the person holds legal title, or "occupant" if the person is a lawful occupant without legal title.

(ii) Markings at least one foot (1') long, in a contrasting color, bearing the phrase "Private Land" and the name of the owner, are placed in at least two (2) conspicuous locations for every forty (40) acres.

(c) Engage in any of the following activities without proper authorization through a lease, permit, or as otherwise required under applicable law:

(1) Destroy or damage land, waters, livestock, poultry, buildings, equipment, or other property.

(2) Cut, destroy, or remove any wood, timber, plant, vegetation, or crop.

(3) Hunt, trap or fish, or attempt to do so.

(4) Dig, extract, or remove earth, soil, minerals, cultural resources, or other property.

(5) Post, paint, or affix notices, advertisements, signs, or other public communications on another's property.

(6) Parks or operate a vehicle on the land.

(7) Permit or allow livestock or any domestic animal to enter or remain on the land.

(8) Uses or occupies leased or subleased lands in a manner that exceeds the possessory rights granted under the terms of the lease or sublease.

(9) Dumps, deposits, places, throws, burns, emits or leaves any rubbish, refuse, debris, substances, or object on any highway, road, air, waterway or land without lawful authority or permission.

601.11. Records

601.11-1. *Purpose.* Land Management shall oversee the administration of the Oneida Nation Register of Deeds which shall accept, and record documents related to real property located within the Reservation, as well as documents related to all Tribal fee land, regardless of where it is located.

601.11-2. *Types of Records.* The Oneida Nation Register of Deeds may only accept documents that provide evidence of activities affecting real property title, preserve the record of a title document and give constructive notice of changes to a title document. Further, such documents

shall be originals, signed duplicates or certified copies. The Oneida Nation Register of Deeds may accept documents, including but not limited to:

- (a) Deeds;
- (b) Probate orders;
- (c) Mortgages and other valid liens;
- (d) Easements, covenants, and restrictions;
- (e) Certified survey maps and plats of survey;
- (f) Patents;
- (g) Declarations of involuntary transfer or taking;
- (h) Satisfactions;
- (i) Leases;
- (j) Home ownership agreements made pursuant to the Landlord Tenant law;
- (k) Marriage agreements; and
- (l) Correction of title defects.

601.11-3. *Accessibility*. The Oneida Nation Register of Deeds shall provide access to land records and title documents subject to fees detailed in the fee schedule created by Land Management and approved by senior management.

601.11-4. *Trust Land*. All documents pertaining to Tribal trust land and individual trust land shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles and Records Office.

601.11-5. *Tribal Seal*. The Nation's Secretary shall provide Land Management with the Nation's seal to be used to authenticate documents which are certified by the Oneida Nation Register of Deeds.

601.12. Real Estate Education Requirements and Certifications

601.12-1. *Wisconsin Real Estate Education and Exam Required*. Land Management employees engaging in the acquisition of Tribal fee land on behalf of the Nation, specifically those performing real estate closings, shall pass the Wisconsin Real Estate License Exam. Such persons are not required to obtain a Wisconsin Real Estate License, but shall fulfill the pre-license education requirement, pass the licensing exam and fulfill a minimum of twelve (12) hours or four (4) courses of continuing education requirements as required of Wisconsin real estate licensees. The Oneida Law Office shall select which continuing education courses are required. In addition to Wisconsin's minimum education requirements as applied to the Nation's real estate employees in this law, Land Management shall require such employees to attend real estate training specific to the Nation's goals and unique positions as the Oneida Law Office shall offer on an as-needed basis.

(a) While Wisconsin real estate law allows persons engaged in the sale of real estate to earn a commission, persons acquiring Tribal land on behalf of the Nation are regular employees of the Nation and, therefore, shall waive any commission for which they might otherwise be eligible.

(b) It is critical to the Oneida Nation's goal to reacquire property within the original Reservation boundaries to have employees educated and experienced in executing real estate transactions. Accordingly, Land Management shall, subject to budgetary constraints, employ at least two (2) employees whose primary responsibility is real estate acquisitions and shall ensure that a minimum of one (1) employee is adequately educated and trained to serve as a backup to the primary personnel.

601.12-2. *TAAMS Certification Required*. All persons responsible for encoding Tribal Trust land information shall obtain a TAAMS certification.

601.12-3. *Fiduciary Responsibility*. All employees of the Nation engaged in the buying of Tribal land shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all applicable Tribal and federal laws.

601.13. Enforcement

601.13-1. *Proof of Eligibility*. An officer of the Oneida Police Department or a designated warden may require any person to provide proof of eligibility to access or use any designated Tribal lands.

601.13-2. *Issuance of Citation*. An individual who violates a provision of this law may be issued a citation by an officer of the Oneida Police Department or a designated warden. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(a) A citation issued under this law, or pursuant to any order authorized by this law, may include fines, other penalties, and conditional orders as determined by the Trial Court.

(b) All citations shall be processed in accordance with the Nation's laws, rules, and policies governing citation procedures.

(c) Any order that is not complied with may be enforced by an officer of the Oneida Police Department or a designated warden. Enforcement actions may be taken at the expense of the owner.

(d) The Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or remove violations of this Law.

End.

Adopted-BC-05-29-96-A
Amended-BC-03-01-06-D
Amended-BC-04-28-10-E
Amended-BC-02-25-15-C
Amended-BC-05-13-15-B
Amended-BC-02-08-17-A
Emergency Amendment-BC-06-14-17-A
Amended-BC-05-09-18-A
Emergency Amended – BC-01-22-20-B
Extension of Emergency – BC-07-22-20-A (Expired)
Amended- BC-xx-xx-xx-x

DRAFT

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: September 3, 2025
- 2) Contact Person(s): Larry Barton Dept: Business Committee
Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: Business Committee Employment Restriction Non-Compete Agreement and Policy
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
See Memorandum

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

- 1) Memorandum
 - 2) Ten Day Notice, Resignations
 - 3) Oneida Constitution
 - 4) External Statute example, Cod of Ethics
- 5) Please List any laws, ordinances or resolution 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: Election cycle is next year.

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

Signature of Requester: _____

Please send this form and all supporting materials to:

LOC@oneidanation.org

or

Legislative Operating Committee (LOC)

P.O. Box 365


Oneida, WI 54155

Phone 920-869-4376



Memorandum

To: Business Committee Work Session

From: Larry Barton, Treasurer 

Date: August 26, 2025

Re: Business Committee Employment Restriction Non-Compete Agreement and Policy

In the recent wake of recent Business Committee Elected Official resignations, it is imperative to address conducting a policy analysis of Business Committee Employment Restriction -Non-Compete.

The following is an outlined situational analysis for your review/discussion:

1. Legislative Operating Committee

Role of Legislative Operating Committee sanctioned by GTC Action March 4, 1991, and incorporation within the adopted Ten Day Notice Policy (Attached).

The Role of the Legislative Operating Committee is to promulgate Policy & Laws toward effective governance and accountability.

2. Resignations of Council Member and Vice Chair Positions (Attached)

Council Person resignation email dated 5-10-2023, effective date 6-02-2023
Accepted letter of resignation by Business Committee dated 5-10-2023

Vice-Chair resignation notification with effective date 8-04-2025 from Business Committee Chairman July 18, 2025
Accepted letter of resignation by Business Committee 7-23-2025

Note: Both recently engaged in employment where the area executing the hiring process was led by a Business Committee Direct Report.

This leads to the follow issues:

- Potential Breach of Oath of Office (attached).

- By-laws of the Constitutions (Duties of Officers) is potentially breached. (Oneida Constitution attached).
- Perceived Conflict of Interest where an elected official presents the potential appearance of advantage in the hiring process.

Definition of Conflict of Interest: A situation in which a person or organization is involved with multiple interests, financial or otherwise, and serving one interest could involve working against another. Typically, this relates to situations in which the personal interest of an individual or organization might adversely affect a duty owed to make decisions for the benefit of a third party. Source: Wikipedia

- Legal exposure to perceived unfair hiring practices
- Trust/Governance: Business Committee as Governing Institution
- Elected Office is not intended to be a platform to redirect career during the active term served.
- Reinforces a belief that a hiring system of patronage or obligation exists in contrast to a merit-based hiring process.
- Potential sense of obligation by the Department executing hiring.

3. External Statute, Revolving Door Laws Regulations (Sample attached).

- Existing Federal Rules
- Existing Revolving Door Laws

4. Legislative Operating Committee Situation Analysis of Business Committee Employment Restriction

- Policy clarification intended to expressly prohibit alternate employment in the organization aligns with stated strategy: Continuous Improvement of Government Systems.
- Government and Finances – Chapter 103 Code of Ethics (Attached) potentially can be amended to address Employment Exclusion within the Oneida Nation of the Business Committee during the full term of election.
- An Acknowledgement Letter or Binding Term of Non-Compete Agreement at start of term represents remedy to the current absence of policy.

Summary

Lacking Policy to address this circumstance amplifies an erosion of trust in the Governing Body. As stated, the results of the appearance or display of a Conflict of Interest does not align with the noted Strategy. The Business Committee's role is not an identifiable forum to (during the 3-year term) access redirecting of career changes.

Ideally, Legislative Operating Committee can formulate policy amendments and boundaries to require prohibition of hiring incumbent Business Committee members throughout the organization during the elected 3-year term. A formalizing binding legal Non-Compete Agreement instrument of enforceability could be required with signatory at time of Oath of Office.

The absence of policy, clarity and guidance presents the potential for the Business Committee in the future to engage alternate employment in the organization during the three-year term of election. The ethical “Tone at the Top” is cited as a foundation for best practices governing systems.

Outcome Sought:

The Legislative Operating Committee ideally forwards this Policy Development necessity to the Active Files List as: Business Committee Employment Restriction Non-Compete Policy and Agreement. With Business Committee elections scheduled next summer, the employment restriction policy ideally can be in force and effect prior to the 2026 elections.

ONEIDA GENERAL TRIBAL COUNCIL SPECIAL MEETING
MARCH 4, 1991 - PAGE 4

NOW THEREFORE BE IT RESOLVED: that all operating systems of the Oneida Bingo, Irene Moore Activity Center, be controlled by State-of-the-Art computer system(s), and that the trained staff is supported by specialized computer program in the areas of: Accounting/Sales/Inventory/Customer Service/Lottery/Bingo/Pull Tabs/and other expected gaming operations to come into effect and to provide for daily reconciliations, and that a six-month (6 mos.) completion timeline be instituted with a final report back to GTC by the Gaming Commission, and

NOW THEREFORE BE IT FINALLY RESOLVED: that the Gaming Commission membership shall be changed to consist of the following: The Gaming Commission shall consist of seven (7) members to be elected by the General Tribal Council membership at the July elections, effective at the July 1991 election, and that the three elected positions serve three year terms.

Amendment carried.

Main motion carried. Resolution #03-04-91-A adopted as changed.

It was suggested that a budget be prepared for upgrading the computer system at gaming.

Wayne Skenandore moved to present a report on gaming shrinkage, second by Debbie Powless, motion carried.

Louise King asked for a clarification of the motion

Wayne stated it was for inventory variance or stolen inventory, cash loss or theft, fraudulent payments, etc.

3. TEN DAY NOTICE - Shirley Hill - (Notice attached to minutes)

Raeann Skenandore moved to adopt the Ten Day Notice Policy, motion seconded and carried.

4. BUDGET OVERSIGHT COMMITTEE - Wayne Skenandore

Recommendations from the Committee:

a policy should be developed by the Business Committee that clearly defines what constitutes a business expense.

procedures should be fair and consistent throughout the Tribe regarding business expenses

Upper management should provide a strong role model for all areas within the tribe regarding maximizing tribal dollars

There should be a limitation enacted for every department/entity including Business Committee in regards to Business Expenses

The Business Committee should take immediate corrective action to curtail any further or potential abuse of Business Expenses activity

ONEIDA GENERAL TRIBAL COUNCIL SPECIAL MEETING
MARCH 4, 1991 - PAGE 3

Debbie Powless moved to amend the motion to have the Gaming Commission change the membership from 5 members to 7 members with 3 members appointed and 4 members elected with criteria for membership as established in the Ordinance, motion seconded.

Discussion on membership.

Debbie rephrased her motion to read all 7 members are elected. The second agreed. Resolution #03-04-91-A Reads as follows:

GENERAL TRIBAL COUNCIL
RESOLUTION # 03-04-91-A

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin,

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and

WHEREAS, the Oneida Tribe has established an Oneida Bingo Enterprise which is highly successful and upon which it is reliant in the generation of governmental revenues necessary to the sovereignty issues of self-reliance, and

WHEREAS, the Oneida Tribe desires to protect its valuable enterprise from all attacks against its integrity, including any and all fraudulent schemes that may be committed at the Oneida Bingo Enterprise, and,

WHEREAS, on October 14, 1989, the Bingo Investigation commission made a final report including recommendations, where Recommendation C states: To establish a plan to computerize the entire Gaming operations to allow the highest level of accountability, daily reconciliations for lottery/bingo/pull tabs, and other expected gaming activities to come into effect, and,

WHEREAS, action of General Tribal Council on 10/14/89 calls for a Gaming Commission Accounting Report to be given at the Semi-annual GTC meetings, and,

WHEREAS, the Gaming Commission has been empowered with the authority to:

- conduct internal investigations of Gaming operations
- insure accountability procedures are being adhered to
- assess management's performance and relationships with Gaming employees.
- provide a report and possible plans of expansion for the Gaming operations to the GTC
- develop customized training programs for Gaming employees, per GTC action on 10/14/89, and

Title 1. Government and Finances – Chapter 110

TEN DAY NOTICE POLICY

110.1. Statement of Purpose
110.2. Definitions
110.3. Procedure

110.4. Filing Process of Proposed Resolutions
110.5. Notice to Membership
110.6. Process for Introducing Resolutions at GTC Meeting

110.1. Statement of Purpose

110.1-1. Provide notice to General Tribal Council (GTC) of regular or special business to be conducted or action taken at a GTC meeting.

110.1-2. Date, Time, Place to be published to give notice of the meeting to the membership.

110.1-3. Provide a clear and concise statement of procedures to be followed by the GTC and the Oneida Business Committee during conducting of GTC meetings.

- (a) Agenda
- (b) Motions
- (c) Resolutions

110.2. Definitions

(a) *Due Process*: A process or procedure designed to give actual notice of a meeting or event that will or may effect the person(s) to whom the notice is given.

(b) *Motion*: Means a formal proposal by a member in a duly called meeting, that the body take a certain action.

(c) *Notice*: Means actually informing the membership of a regular or special meeting by:

- (1) Publishing an agenda
- (2) Stating a location
- (3) Stating the date and time in a reasonable time for the members to attend.

(d) *Places of Prominence*: See attachment.

(e) *Resolution*: Means a proposed action of a substantial nature. It is introduced by a motion and includes statements of preamble setting forth its purpose, or reason, or statements of need or desirable goals and statements of resolve clearly and concisely setting forth actions to be taken or implemented.

(f) *Preamble*: A preliminary statement, the introduction to a formal document that explains its purpose.

(g) *Secretary*: Means the duly elected Secretary of the Oneida General Tribal Council.

(h) *Ten (10) Day Notice*: Means ten (10) calendar days, including weekends and holidays.

110.3. Procedure

110.3-1. Any resolution or motion pertaining to due process, or action that would have a direct impact on budgets or operations of the tribe shall be subject to a 10-day notice requirement.

(a) Motions:

- (1) Reports: Motions to approve, disapprove, delete, correct or table do not require 10-day notice as long as they pertain to agenda reports.
- (2) Reports with recommendations that call for motions to be made that have a direct impact on the budget or operations of the tribe shall be required to adhere to the 10-

day notice procedures.

(3) Action to over rule previous passed motions or resolutions shall require a 2/3 majority vote.

(4) Points of Order and other processes that relate to the conducting of meeting are not subject to a 10-day notice.

(b) Motions: that call for action that will have a direct impact on the budget or operations of the Tribe shall be required to adhere to the following procedures:

(1) If a motion is introduced that is of impact nature the motion will be referred to the Business Committee. The Business Committee shall be responsible for follow up and reporting back to the GTC at next meeting in written form.

(A) Upon receipt of the fact finding report by the GTC, the GTC will then entertain motion for vote.

(B) Motions that have been passed by GTC shall be carried out and adhered to whole heartedly by the Business Committee or as directed by the GTC.

(c) Resolutions: All resolutions to be introduced shall be subject to the 10-day notice requirement.

(1) Author(s) of resolution shall be identified by name and signature(s). This includes Oneida Business Committee members.

(2) Anonymous resolutions will not be considered.

110.4. Filing Process of Proposed Resolutions

110.4-1. Five (5) copies of resolution to be introduced shall be provided to the Tribal Secretary for purpose of providing copies to the General Tribal Council meeting not later than Ten (10) calendar days prior to the ten day notice.

(a) The Legislative Operating Committee shall be established to implement resolution procedures, this committee shall not have authority to Veto or change the resolution in any manner.

(b) The Legislative Operating Committee shall be made up of the Oneida Business Committee members who are not officers.

110.4-2. Upon receipt of the resolution, the Tribal Secretary shall acknowledge formal acceptance in the following manner:

(a) A signed receipt shall be given to the sponsor of the resolution.

(b) Receipt of resolution shall be recorded in a special log and shall include the date, time, subject, and author(s).

(c) A separate file shall be maintained by the Tribal Secretary of all submitted resolutions that pertain to the GTC meeting(s).

110.4-3. A standardized resolution form shall be available from the Tribal Secretary's office to to any tribal member who desires to develop a Resolution for the GTC meeting.

(a) The form shall include a statement of purpose and reason for the resolution.

(b) The form shall include a clear statement of corrective action to be carried out.

110.5. Notice to Membership

110.5-1. The Tribal Secretary shall provide adequate copies for the GTC meeting and notice of all actions to be introduced shall be posted on defined "Places of Prominence".

(a) The Tribal Secretary shall give notice in the Kaliwisaks, and other places of all actions to be introduced or considered in a timely manner to the membership.

(b) Membership shall be encouraged to submit their items or concerns to the Tribal Secretary for the agenda.

110.5-2. Notice to Department: A resolution pertaining to any department, program, or enterprise shall be sent to the director or manager of that department immediately upon receipt of the resolution by the Tribal Secretary.

110.5-3. General Tribal Council Meetings - Annual and Semi-Annual: Notice will be sent to all Tribal members identified by the Enrollment Department as: head of household who is age 21 or over. The notice shall contain the following information:

(a) Information that the Annual or Semi-Annual General Tribal Council report is in the process of completion and if the head of household wishes to receive the report, he or she must return the postage paid card on or before the deadline date.

(b) return postage paid card.

(c) deadline date.

110.6. Process for Introducing Resolutions at GTC Meeting

110.6-1. Introduction of Resolution by author(s).

110.6-2. Discussion.

110.6-3. Chair shall entertain a motion.

(a) Action should address the introduced Resolution.

110.6-4. Vote on the motion.

110.6-5. Results of the vote on all resolutions shall be published in the Kaliwisaks in next scheduled Kaliwisaks publication.

(a) Resolutions that have been passed by GTC shall be implemented whole heartedly by the Business Committee or as directed by the GTC.

(1) Written progress reports shall be reported back to the GTC at next meeting.

(2) Failure by the BC to properly implement, or demonstrate progress of GTC actions may be subject to grounds of suspension and/or removal.

(A) Refer to the Business Committee Removal Ordinance.

End.

Adopted - GTC, motion March 4, 1991

(See also 7/8/00 GTC attachment pg. 101 for 4-14-00 memo – Re: Places of Prominence)

Amended - Special BC Resolution #8-02-00-A.

To: General Tribal Council

From: Vince DelaRosa, Chairman Legislative Operating Committee

Date: April 14, 2000

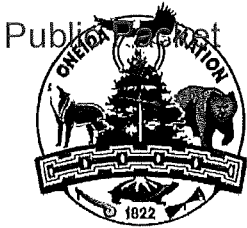
Re: **Amended Ten Day Notice Policy for Adoption –
Places of Prominence**

The Amended Ten Day Notice policy is ready for adoption by the General Tribal Council which was tabled at the July 12, 1999 GTC meeting due to a lack of a quorum. It was also tabled at the January 2000 Annual GTC meeting and at the February 23, 2000 Special Oneida Business Committee meeting regarding the January 3, 2000 GTC meeting until the July 2000 Semi-Annual GTC meeting. The OBC also noted for the record that an attachment for places of prominence will need to be supplied by the LOC, which is a required component for the Ten Day Notice policy, at the July 2000 GTC Semi-Annual Meeting.

Places of prominence are intended for locations where the Legislative Operating Committee, Oneida Business Committee, and General Tribal Council official meeting notices can be posted for the public. These locations have been identified by the past Legislative Operating Committee back in January 1994 along with the purchase of locked glass cases for this purpose. The current Legislative Operating Committee also identifies the same locations and recommends these be the designated areas, and incorporated in the Ten Day Notice policy upon adoption. The following are the designated locations:

- Hwy 54 & EEE Oneida One Stops
- Norbert Hill Center - Main Office
- Library .
- Main Casino & IMAC
- Senior Center

Thank you.



Oneida Nation
Oneida Business Committee
PO Box 365 • Oneida, WI 54155-0365
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115 of 211



Memorandum

To: Oneida Business Committee
From: Marie Cornelius, OBC Councilwoman
Date: May 10, 2023
Re: Resignation effective June 2, 2023

Shekoli OBC,

I am submitting my resignation, effective Friday, June 2, 2023 (this will be my last day).

Yaw^ko,

C. Determine next steps regarding the resignation from Councilwoman Marie Cornelius (00:34:31)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the letter of resignation of Councilmember Marie Cornelius, seconded by Lisa Liggins. Motion carried:

Ayes:	David P. Jordan, Lisa Liggins, Kirby Metoxen, Jennifer Webster
Opposed:	Daniel Guzman King
Abstained:	Marie Cornelius
Not Present:	Tina Danforth, Tehassi Hill

Motion by Lisa Liggins to add the notice of resignation and the available options for next steps to the July 24, 2023, semi-annual General Tribal Council meeting, seconded by David P. Jordan. Motion carried:

Ayes:	Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Jennifer Webster
Not Present:	Tina Danforth, Tehassi Hill

For the record: Councilwoman Marie Cornelius stated, I'm happy to have worked with all of the BC and have gained so much knowledge in the past three years. I want to extend my gratitude to you all for your demanding work and dedication to our great Nation. I know working through a historical worldwide pandemic has not come easy. Together we had many successes and plenty of strain and I would like to extend some thoughts and encouragement to you all and to future councilmembers. Please continue to remain strong, resilient against lateral oppression and be emotionally unavailable to tactics attempting to derail your goals as an individual and as a councilmember. Lateral oppression is very real here in the Nation. Oppressors will do everything in their power to dull your shine and it can cause the most distressing environment at times. So with these thoughts in mind, I do find it necessary to depart my elected seat early, gain some skana, and prepare for my future. I'm excited and incredibly happy to return to a less public life and eager to have some normalcy in my family life and in my career. Therefore, as stated in the handout today, my last day in the office will be June 2nd. I would like to also provide, you know, my phone number if anyone has any questions 920-869-4475 to please contact me. Yaw^ko

XI. REPORTS

A. OPERATIONAL

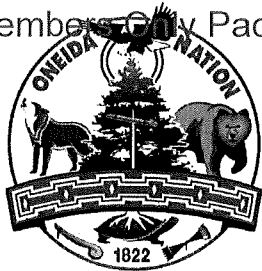
1. Defer the Emergency Management FY-2023 2nd quarter report to the May 24, 2023, regular Business Committee meeting (00:58:12)

Sponsor: Kaylynn Gresham, Director/Emergency Management

Motion by Jennifer Webster to defer the Emergency Management FY-2023 2nd quarter report to the May 24, 2023, regular Business Committee meeting, seconded by Lisa Liggins. Motion carried:

Ayes:	Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Jennifer Webster
Not Present:	Tina Danforth, Tehassi Hill

Item XII.A.1. was addressed next.



Oneida Nation
Oneida Business Committee
PO Box 365 • Oneida, WI 54155-0365
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MEMORANDUM

TO: Oneida Business Committee
FROM: Tehassi Hill, Chairman
DATE: July 18, 2025
SUBJECT: Resignation – Oneida Business Committee Member

We have received a notice of resignation from Vice Chairman Brandon Stevens effective August 4, 2025. Mr. Stevens is leaving for a full time employment position with the Intergovernmental Affairs Department as a Strategist. While we encourage every Oneida Member to follow their hearts and passions, he will be missed as an integral part of the Oneida Business Committee.

I have attached two prior legal opinions regarding filling vacancies on the Oneida Business Committee – one from 2014 and one from 2023. Both of those resignations involved Council Member positions for which there are four other members to carry on those duties and responsibilities. Unfortunately, the Vice Chairman position does not have this backup, as the position serves as the backup for the Chairman when he is unavailable. We have a significant gap in managing the government responsibilities.

This vacancy beginning on August 4th is approximately one year in length. It is possible the General Tribal Council could identify that it remains vacant until the General Elections. Between now and the decision of the General Tribal Council, and any special election date, we will need to review our calendars and travel to ensure that we are able to continue to carry on our governmental responsibilities.

I am recommending the following actions.

1. Motion to accept the resignation.
2. Motion to direct the direct the Secretary to identify available General Tribal Council meeting times in early September and to work with Chief Counsel to draft the necessary materials for this meeting.
3. I will call a Special Oneida Business Committee meeting to review the meeting dates, and if available the meeting materials, for approval by the Oneida Business Committee.

Thank you for your consideration of this request.

Janice M. Decorah

From: Communications_Department
Sent: Thursday, July 31, 2025 3:55 PM
To: AtoZ
Subject: Farewell Message from Oneida Nation Vice-Chairman Brandon Yellowbird-Stevens

July 31, 2025

To the Oneida Nation Organization and All Its Dedicated Employees,

Yaw^ko.

As I reflect on the work we have done together, I am filled with deep gratitude and admiration for each of you who has contributed to the growth, advancement, and protection of our Nation's interests. It has been an extraordinary honor to serve alongside such dedicated and visionary individuals. Together, we've moved the voice and priorities of the Oneida Nation to the highest levels of government — not simply to be heard, but to be respected, consulted, and included. That progress was only possible because of your tireless work, expertise, and commitment. From economic development and environmental advocacy to sovereignty defense, cultural preservation, and healthcare equity — your efforts laid the foundation for everything we were able to push forward.

I was proud to carry our shared message into tribal, state, and federal arenas — but it was your research, your policy recommendations, your administrative excellence, and your resolve that gave that message weight and credibility. You all turned ideas into strategy, and strategy into results. Together, we made our Nation stronger.

I thank you for your support, and the belief you've shown in the mission — and in me. I will carry that with me to my next stage in life, and I will continue to advocate for the interests of our people and Indian Country with the same urgency and dedication that guided our work.

With deepest respect and gratitude, Brandon Yellowbird Stevens

Communications Department
Government Administrative Office



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

choltz@oneidanation.org
Phone: 920.869.4388
Cell: 920-370-3389



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



Memorandum

To: Oneida Business Committee

From: Lisa Liggins, Secretary

Date: August 1, 2025

Re: Schedule a special General Tribal Council meeting to address filling the Oneida Business Committee vacancy

Background

At the July 23, 2025, regular Business Committee (BC) meeting, the following actions took place:

Motion by Marlon Skenandore to accept the resignation letter and to direct the Chairman call a special Oneida Business Committee meeting to review the meeting dates and, if available, the meeting materials for approval by the Oneida Business Committee, seconded by Lawrence Barton. Motion carried.

Motion by Kirby Metoxen to direct the Secretary to identify available General Tribal Council meeting times, and to work with Chief Counsel to draft the necessary materials for this General Tribal Council meeting, seconded by Marlon Skenandore. Motion carried.

The Chairman has called for a special BC meeting on August 5, 2025. Attached you will find available dates to the special GTC meeting.

The second part of the motion authorized me to adjust if the meeting rooms aren't available provided I consult with the Chairman and submit notice to the BC at the next regular BC meeting agenda.

Requested Action

Motion to:

Schedule a special General Tribal Council meeting on [insert selected date], at [insert selected time] to address filling the OBC vacancy and to authorize the Secretary to adjust due to meeting space availability provided there is consultation with the Chairman and provided there is notice submitted to the next regular OBC meeting

Thank you.

OATH OF OFFICE
FOR
BOARDS, COMMITTEES, AND COMMISSIONS

I, [State your name],

hereby promise

to uphold the laws and regulations

of the Oneida Nation,

the General Tribal Council,

and the Oneida Nation Constitution.

I will perform my duties to the best of my ability

and on behalf of the Oneida people

with honor, respect, dignity, and sincerity

and will strictly maintain confidential information.

I will carry out the duties and responsibilities

as a member of the [State the name of the Board, Committee, or Commission],

and all recommendations shall be made

in the best interest of the Oneida Nation as a whole.

Please meet Brooke Doxtator in the back of the room to sign your Oath of Office.

CONSTITUTION AND BY-LAWS OF THE ONEIDA NATION

We, the people of the Oneida Nation, grateful to Almighty God for his fostering care, in order to reestablish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution.

This constitution serves as an affirmation of the Oneida Nation's sovereign status as an independent Indian nation and the solemn trust relationship between this Nation and the United States of America.

Article I-Territory

The jurisdiction of the Oneida Nation shall extend to the territory within the present confines of the Oneida Reservation and to such other lands as may be hereafter added thereto within or without said boundary lines under any law of the United States, except as otherwise provided by law.

Article II-Membership

Section 1. The membership of the Oneida Nation shall consist of:

(a) All persons of Indian blood whose names appear on the membership roll of the Oneida Nation in accordance with the Act of September 27, 1967 (81 Stat. 229), Public Law 90-93.

(b) Any child of a member of the Nation born between September 28, 1967, and the effective date of this amendment, who is of at least one-fourth degree Indian blood, provided, that, such member is a resident of the Reservation at the time of the birth of said child.

(c) All children who possess at least one-fourth degree Oneida blood are born after the effective date of this amendment to members of the Nation who are residents of the reservation at the time of said children's birth.

Section 2. The General Tribal Council shall have the power to promulgate ordinances covering future membership and the adoption of new members.

Article III-Governing Body

Section 1. The governing body of the Oneida Nation shall be the General Tribal Council composed of all the qualified voters of the Oneida Nation.

Section 2. All enrolled members of the Oneida Nation who are eighteen (18) years of age or over shall be qualified voters provided they present themselves in person at the polls on the day of election.

Section 3. The qualified voters of the Oneida Nation shall elect from among the enrolled Oneida Nation members age twenty-one (21) and over who physically reside in either Brown or Outagamie Counties of Wisconsin by secret ballot (a) a chairman; (b) a vice-chairman; (c) a secretary; (d) a treasurer; (e) and five councilmen. These shall constitute the Business Committee and shall perform such duties as may be authorized by the General Tribal Council

A majority of the Business Committee including the chairman or vice-chairman shall constitute a quorum of this body. Regular meetings of the Business Committee may be established by resolution of the Business Committee. Special meetings of the Business Committee shall be held upon a three-day advance notice by the chairman to all members thereof or upon written request of a majority of the Business Committee stating the time, place, and purpose of the meeting.

The General Tribal Council may at any regular special meeting fill any vacancies that occur on the Business Committee for the unexpired term.

The General Tribal Council may at its discretion remove any official on the Business Committee by a two-thirds majority vote at any regular or special meeting of the Tribal Council, pursuant to a duly adopted ordinance. Such ordinance shall fix the specific causes for removal and ensure that the rights of the accused are protected, including his receiving in writing a statement of the charges against him and assurance on sufficient notice thereof where he shall be afforded every opportunity to speak in his own defense.

Section 4. The General Tribal Council shall meet in January and July.

Section 5. The officials provided for in Section 3 of this Article shall be elected every three years in the month of July on a date set by the General Tribal Council. The General Tribal Council shall enact necessary rules and regulations governing the elections of tribal officials.

Section 6. The chairman or fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council. Seventy-five (75) qualified voters shall constitute a quorum at any regular or special meeting of the General Tribal Council.

Article IV-Powers of the General Tribal Council

Section 1. Enumerated Powers. - The General Tribal Council of the Oneida Nation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State, and local governments.
- (b) To employ legal counsel, the choice of counsel and fixing of fees.

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the Nation.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Nation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Oneida Nation.

(f) To promulgate and enforce ordinances, governing the conduct of members of the Oneida Nation, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Nation of persons not so licensed and establishing proper agencies for law enforcement upon the Oneida Reservation.

(g) To appoint committees, delegates, and officials deemed necessary for the proper conduct of tribal business or relations.

(h) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Nation, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(i) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Oneida Reservation.

Section 2. Future Powers. - The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

Section 3. Reserved Powers. - Any rights and powers heretofore vested in the Oneida Nation but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Oneida Nation through the adoption of appropriate By-laws and constitutional amendments.

Article V-Judiciary

Section 1. The General Tribal Council shall, by law, establish a judiciary to exercise the judicial authority of the Oneida Nation.

Section 2. Any judiciary in operation prior to the effective date of this amendment to the Constitution may be designated as the judiciary authorized under this article upon passage of a resolution by the General Tribal Council. Such designation shall remain in full force and effect until amended by General Tribal Council.

Article VI – Amendment

Section 1. Amendment by the Oneida Business Committee. Amendments to this Constitution and By-Laws may be proposed by the Oneida Business Committee. Proposed amendments agreed to by eight members of the Oneida Business Committee, excluding the Chair, shall be put before a meeting of the General Tribal Council. If a majority of the voting General Tribal Council members vote in favor of the proposed amendment, the proposed amendment shall be placed upon the ballot of the next General election or special election called for the purpose to consider an amendment.

Section 2. Amendment by Petition. Amendment to this Constitution and By-Laws may be proposed by petition of the members eligible to vote. Every petition shall include the full text of the proposed amendment, and be signed by members eligible to vote, equal in number to at least ten percent (10%) of the members eligible to vote. Petition with the requisite number of signatures may be put before the Oneida people for their approval or rejection at the next general election, except when the Oneida Business Committee or General Tribal Council orders a special election for the purpose. Such petitions shall be filed with the person authorized by law to receive the same at least ninety (90) days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by Oneida law. The person authorized by law to receive such petition shall upon its receipt determine, as provide by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least sixty (60) days prior to the election at which the proposed amendment is to be voted upon. Any amendment proposed by such petition shall be submitted, not less than ninety (90) days after it was filed, to the next general or special election called for the purpose to consider an amendment.

Section 3. Any proposed amendment, existing provision of the Constitution and By-Laws which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by Oneida Law. Copies of such publications shall be prominently posted in each polling place, at Tribal administration offices, and furnished to news media as provided Oneida law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than one hundred (100) words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person who is so authorized by Oneida law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as to create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by sixty-five percent (65%) of the members eligible to vote who presented themselves at the polls and voted on the question, it shall become part of the Oneida Constitution and By-Laws, and shall abrogate or amend existing provisions of the Constitution and By-Laws at the end of thirty (30) days after submission of the final election report as directed law. If two or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote shall prevail.

Article VII-Bill of Rights

All members of the Nation shall be accorded equal opportunities to participate in the economic resources and activities of the Nation. All members of the tribe may enjoy, without

hindrance, freedom of worship, conscience, speech, press, assembly, association and due process of law, as guaranteed by the Constitution of the United States.

BY-LAWS OF THE ONEIDA NATION

Article I-Duties of Officers

Section 1. Chairman of Council. - The Chairman of the Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in the case of a tie.

Section 2. Vice-Chairman of Council. - The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

Section 3. Secretary of the Council. - The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council.

Section 4. Treasurer of Council. - The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the business committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

Section 5. Appointive Officers. - The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Council, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

Article II-Ratification of Constitution and By-laws

This Constitution and these By-laws, when adopted by a majority vote of the voters of the Oneida Nation voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval. 7

Adoption Dates

- Original Constitution adopted November 14, 1936 by Oneida Tribe. Approved by the Secretary of the Interior December 21, 1936.
- Amended June 3, 1939, approved June 15, 1939.
- Amended October 18, 1969, approved November 28, 1969.
- Amended June 14, 1969, approved August 25, 1969.
- Amended June 14, 1969, approved August 25, 1969.
- Amended June 14, 1969, approved, August 25, 1969.
- Amendment X approved June 16, 2015, notice received June 24, 2015
- Amendment XI approved June 16, 2015, notice received June 24, 2015
- Amendment XII approved June 16, 2015, notice received June 24, 2015
- Amendment XIII approved June 16, 2015, notice received June 24, 2015
- Amendment XIV approved June 16, 2015, notice received June 24, 2015

policy requirements excluding prospective X



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It's important to differentiate between **seeking employment while in government** and **post-government employment restrictions**. The core idea behind these regulations, often referred to as "revolving door" laws, is to prevent conflicts of interest and maintain public trust in government. 

Here's a breakdown of the policy requirements excluding or restricting prospective employment by government officials:


1. Seeking employment while in government

- **Financial Conflicts of Interest (18 U.S.C. § 208):** This statute prohibits government employees from participating in official matters that will have a direct and predictable effect on their financial interests, including those of a prospective employer.
- **Disqualification Requirements:** When an employee's job search progresses to negotiations or a continuing arrangement for prospective employment, they are **disqualified from working on any government matter** that will directly and predictably affect the financial interests of that potential employer.
- **Appearance of Loss of Impartiality:** Even if there's no direct financial conflict, employees should avoid actions that create the appearance of a conflict of interest, especially when dealing with potential employers or organizations they might join. 


2. Post-government employment restrictions ("Revolving Door" Laws)

These restrictions come into play after a government official leaves their position and seeks employment in the private sector. They are designed to prevent former officials from unfairly leveraging their government experience, contacts, or confidential information for personal or private gain. 




regarding specific matters that were pending under their responsibility during their final year of service. Senior employees face a one-year "cooling-off" period, restricting them from contacting or appearing before their former agency on behalf of a contractor or anyone seeking official action. Some former senior officials are restricted from representing foreign entities before any federal agency for one year. Additionally, former employees are barred for one year from assisting entities other than the U.S. on trade or treaty negotiations they worked on during their last year. The Procurement Integrity Act also imposes a one-year ban on certain activities for former employees involved in procurement decisions. Certain former Department of Defense officials have additional restrictions, particularly concerning interactions with DoD contractors. 


3. Executive orders and ethics pledges

Presidents may impose further restrictions on executive agency appointees through executive orders and ethics pledges, which can include extended cooling-off periods and lobbying limitations. 

4. State and local laws

Beyond federal rules, more than 40 states and numerous local governments have their own revolving door laws. These often mirror federal provisions but can vary in their cooling-off periods and specific regulations. For example, Rhode Island has laws governing the activities of public officials after leaving office or when representing private interests before their former agency. 

Important considerations

- **Fact-Specific Application:** These restrictions are highly dependent on the individual's government role and future employment.
- **Seek Advice:** Individuals and companies should consult with ethics officials or legal counsel for guidance.
- **Penalties:** Violating federal revolving door laws can result in significant fines and imprisonment. 

Title 1. Government and Finances - Chapter 103

CODE OF ETHICS

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matters that will be followed

103.1-1 Policy and Purposes
103.2-1 Definitions
103.3-1 Government
103.4-1 Program

103.5-1 Enterprise
103.6-1 Enforcement
103.7-1 Gifts and Gratuities

103.1. Policy and Purposes

103.1-1. It is the policy of the Oneida Tribe of Indians of Wisconsin to promote the highest ethical conduct in all of its elected and appointed officials, and employees. This Code of Ethics represents a beginning, it is the very minimum standard of conduct which is expected. This Code is intended to create a base from which all persons are expected to work upwards and strive to work toward improving the health, safety and welfare of the Oneida Nation, citizens of the Nation, employees of the Tribe, and persons living in and around the jurisdiction of the Oneida Tribe if Indians of Wisconsin.

103.2. Definitions

- (a) **Government Official.** A "government official" includes all persons who are elected or appointed to serve on the Oneida Business Committee and any board, committee, or commission created by the Oneida Business Committee or Oneida General Tribal Council.
- (b) **Administrative Staff.** "Administrative Staff" includes all personnel employed and involved in the functioning of the government.
- (c) **Program.** A "program" includes all activities of the Oneida Tribe of Indians of Wisconsin not expected to create revenue for the Tribe or those activities not expected to make a profit at any time. Further, this includes those persons that are employees of the Tribe working in these areas. Examples of, but are not limited to, governmental services include the Tribal School, Health Works, Maintenance, Multi-Purpose Center, Oneida Community Library.
- (d) **Program personnel.** "Program Personnel" are those persons who work in Programs of the Oneida Tribe of Indians of Wisconsin.
- (e) **Enterprise.** An "enterprise" includes all activities of the Oneida Tribe of Indians of Wisconsin that are engaged in for the business of profit. Examples of, but not limited to, enterprises are Oneida Printing, Oneida Construction, Oneida Promotions.
- (f) **Enterprise employees.** "Enterprise Employees" are those persons employed in an Oneida Enterprise.

103.3. Government

103.3-1. All government officials shall be subject to the Code of Ethics as set forth herein and to the intent of the code as set forth above.

103.3-2. The Code of Ethics shall be as set out below, recognizing that the concept of ethical conduct encompasses action as well as inaction, and represents an area of self regulation. Provided further, that it is the policy of government officials to demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities in order to inspire public confidence and trust in the governmental officials of the Oneida Tribe of Indians of Wisconsin.

103.3-3. The following shall govern the interaction between government officials and their constituents, co-officials, and employees:

(a) A government official shall create and maintain an independent and honorable political system, and shall observe high standards of conduct toward achieving this goal, including, but not limited to

(1) encouraging separation between departments or entities of tribal government, and should avoid contact or duty that violates such a separation.

(2) avoid participation in action or decision making (except where participation is in accordance with the traditions of the Tribe) that would present an appearance of conflict of interest or an actual conflict of interest.

(b) A government official should respect and comply with the law and tradition of the Tribe and should at all times act in a manner that promotes public confidence in the honesty and impartiality of government officials, including but not limited to

(1) influence of family, social or other personal relationships influencing conduct

(2) using prestige of the office to advance private interests of others

(3) conveying use of special influence or being specially influenced.

(c) A government official should use the following standards in relation to the duties of office

(1) adhere to the laws, customs, and traditions of the Tribe

(2) be patient, dignified and courteous to constituents, co-officials, and others with whom the official deals in an official capacity, and should require similar conduct of others in official proceedings and those personnel subject to the official's discretion and control.

(3) give to every person who is interested in an action time to be heard

(4) not comment to non-tribal members on any proceeding, session, or action unless directed to do so by an official action of the Oneida General Tribal Council, Oneida Business Committee, or their delegates.

(d) Government officials and their administrative staff shall protect the privileged information to which they have access in the course of official duties, and be prudent in the use of information acquired in the course of their duties. Further, they should not use confidential information for any personal gain, or in a manner which would be detrimental to the welfare of the employer.

103.3-4. Administrative responsibilities include, but are not limited to, work product and conduct of staff as set out herein

(a) prohibiting staff from making statements on behalf of the Tribe or agency of the Tribe without permission

(b) require staff to observe high standards of honesty and diligence

(c) initiate appropriate disciplinary measures against professional staff for unprofessional conduct which the official may become aware of.

103.3-5. A government official should disqualify themselves when their action or inaction might reasonably be questioned, including, but not limited to

- (a) personal bias
- (b) knowledge that individually or any member of their family or spouse's immediate family, or anyone residing in their household has a financial interest in the subject matter of a proceeding or action, or has any other interest that could be substantially affected provided however, that an official disqualified by the above may, instead of withdrawing, disclose on the record the basis of their disqualification. Provided further that the government agency, based on such disclosure, agree unanimously that the government official's participation is not prejudicial or that the financial interest is unsubstantial, the official is no longer disqualified and may participate in the proceeding or action. The agreement or disagreement shall be incorporated in the record of the proceeding or action.

103.3-6. A government official shall regulate their extra governmental activities to minimize the risk of conflict with duties of their office.

103.3-7. A government official should maintain a distance in financial dealings that would tend to reflect an influence for personal gain, including, but not limited to

- (a) dealings that tend to reflect on their impartiality, interference with performance of governmental duties, or exploit the governmental office
- (b) involvement in businesses that have financial impact or other influence on tribal businesses or actions.
- (c) exceptions are allowed for laws and policies that directly allow the participation of a governmental official, or where the traditions of the Tribe allow participation.
- (d) granting, giving, or influencing the gift, bequest or loan of tribal services, property or monies outside of normal and traditional procedures.

103.3-8. An official may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties.

103.4. Program

103.4-1. The Code of Ethics set forth in this section shall govern the management and employees involved in Tribal Programs.

103.4-2. This section sets out the minimum ethical standards required of program personnel. However, program personnel are encouraged to keep the community informed on program affairs; encourage communication between citizens and all program personnel; emphasize and practice friendly and courteous service to the public; and seek to improve the quality and image of public service.

103.4-3. Program personnel shall serve in such a way that they will not realize personal gain from the performance of official duties, including, but not limited to

- (a) seeking favor, personal aggrandizement or profit
- (b) accepting a fee or gift from a fellow employee, a client, a customer, or a business associate of their employer without the knowledge and consent of the senior manager
- (c) exercising discretionary authority to their own benefit.

103.4-4. Program personnel shall demonstrate the highest possible standards of personal integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in public institutions, including, but not limited to

- (a) dedication to the highest ideals of honor and integrity in all public and personal relationships
- (b) affirm the dignity and worth of the services rendered by the government and maintain constructive, creative, and practical attitude toward community affairs and a deep sense of social responsibility as a trusted public servant.

103.4-5. Program personnel will avoid any interest or activity that is in conflict with the conduct of official duties, including, but not limited to

- (a) entering into any activity which may be in conflict with the interest of the Oneida Tribe of Indians of Wisconsin, or which would prejudice the ability to carry out objectively their duties and responsibilities
- (b) eliminating all forms of illegal discrimination, fraud, and mismanagement of public funds, and support colleagues if they are in difficulty because of responsible efforts to correct such discrimination, fraud, mismanagement or abuse
- (c) refrain from participation in the election of members of the employing legislative body, and from all partisan political activities which would impair performance as program personnel.

103.4-6. Program personnel with hiring, termination, transfer authority should support, implement and promote merit employment and programs of affirmative actions to assure equal employment opportunity by recruitment, selection, and advancement of qualified persons from all elements of society, including, but not limited to

- (a) handling all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions and discipline
- (b) strive for personal professional excellence and encourage the professional development of associates
- (c) accept as a personal duty the responsibility to keep up to date on emerging issues and to administer with professional competence, fairness, impartiality, efficiency and effectiveness
- (d) respect, support, study, and when necessary, work to improve the laws, policies and other regulations which define relationships among public agencies, employees, clients and all citizens

103.4-7. Program personnel should approach organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication and compassion, including, but not limited to

- (a) submitting policy proposals to supervisors and elected officials; providing them with facts and advice on matters of policy as a basis for making decisions and setting community goals
- (b) upholding and implementing policies adopted by officials.

103.4-8. Program personnel shall protect the privileged information to which they have access in the course of official duties and be prudent in the use of information acquired in the course of their duties. Further, they should not use confidential information for any personal gain or in a manner which would be detrimental to the welfare of the employer.

103.5. Enterprise

103.5-1. The enterprises of the Oneida Tribe of Indians of Wisconsin shall follow the Code of Ethics as listed in this section.

103.5-2. This section sets out the minimum ethical standards required of enterprise employees. However, enterprise personnel are encouraged to conduct themselves in such a way as to maximize their input in a positive and knowledgeable manner and to accept such input such that those suggestions benefit the enterprises of the Oneida Tribe of Indians of Wisconsin.

103.5-3. Enterprise employees are expected to have a commitment to integrity, which includes, but is not limited to

(a) Integrity towards the customer. An enterprise employee is expected to:

- (1) Never misrepresent the quality, features or availability of the Tribes products or services or those of its competitors.
- (2) Never engage in industrial espionage or commercial bribery
- (3) Never unlawfully interfere with contracts between a competitor and a customer
- (4) Never buy from suppliers, or hint that we will buy from them, on the condition that they use tribal products or services.

The Tribe's competitive efforts rely on the merits of its products and services. Enterprise employees should concentrate or anticipate and satisfy the needs of our customers, and should not seek to limit the competitive opportunities of our rivals.

(b) Integrity towards the Tribe. An enterprise employee is expected to:

- (1) Be honest with the Tribe's's time and property
- (2) Reporting to work as scheduled
- (3) Doing full day's work
- (4) Keeping absences to minimum and documented
- (5) Handle customer contacts with the highest standards of professionalism and courtesy
- (6) Avoid any outside activity that could adversely affect the independence and objectivity of your judgement, interfere with the timely and effective performance of your duties and responsibilities, or that could discredit the Tribe or conflict, or appear to conflict, with the Tribe's best interests.
- (7) Preventing the loss, damage, misuse or theft of tribal property is part of every employee's job. Tribal property should be protected through safeguards such as locking desks, offices and unattended vehicles or facilities, restricting nonemployee or other unauthorized access, avoidance of waste or excess, observing rules regarding identification, package inspection, personal property registration.

Enterprise employees are expected to, both on and off the job, to support the Tribe's efforts to succeed in the world-wide market place.

(c) Integrity to themselves. Each enterprise employee is responsible for his or her actions. For each, integrity is a personal responsibility. No one may justify an illegal act by claiming it was ordered by someone higher in management. No one, regardless of rank, is ever authorized to direct an employee to commit an illegal, or unethical act.

(1) The Tribe expects any employee to report any violation of the Code of Ethics, as well as any other dishonest or illegal acts of which they become aware in the workplace. The Tribe will not tolerate reprisals against any employee who, in good faith, makes such reports. Employees who report actions are protected by the laws of the Oneida Tribe.

(2) The Tribe encourages enterprise employees as private citizens to participate in public and civic affairs. Employees should ensure that no conflict of interest, either actual or potential, exists between the Tribe and their duties in public or civic affairs, whether elective or appointed, paid or voluntary.

(3) When spending tribal money, or your own for reimbursement later, or when requesting services on the Tribe's behalf, make sure that the Tribe receives the proper value in return and that the expenditure is for a legitimate business purpose. Every employee who has control over company funds is personally accountable for them.

(4) Employees are forbidden to engage in the following conduct:

(A) Illegal use, possession, distribution, transportation, sale, purchase or transfer of controlled substances or drugs

(B) Intoxication on company time, premises, or other business

(C) Fighting on job or premises

(D) Possession of unauthorized firearms

(E) Using rude, abusive or obscene language with costumer, or around customers

(F) Refusing to serve a costumer.

(d) Integrity to competitors. The Tribe is committed to engaging in a free and open market, to the extent that preference laws enacted by the tribal government are in effect, enterprise employees may not attempt to influence the sale or purchase of goods and services in any way.

(1) The Tribe's competitive efforts must rely on the merits of its products and services. Employees should concentrate on anticipating and satisfying the needs of our customers, and should not seek to limit the competitive opportunities of our rivals.

(2) The Tribe's policy is to honor our own copyright's and copyrights of others. To that end, licenses or permission is needed when using any object, item, idea, etc., that is copyrighted or which is owned by another.

(3) Enterprise employees shall not give or receive inappropriate gifts or provide unusual hospitality to customers or potential customers or their employees that will unfairly influence their purchasing decision.

(4) Enterprise employees are required to report gifts other than promotional items of nominal value promptly to your supervisor and then return them to the donor, if possible, or dispose of them in another appropriate manner. Provided that, in any differences between this Ethics Code and any Conflict of Interest Code, the latter shall prevail.

(5) Enterprise employees should:

(A) Have no relationship, financial or otherwise, with any supplier or competitor that might be construed as a conflict of interest, or that even might appear to impair your judgement on behalf of the Tribe.

(B) Never accept or solicit, even indirectly, gifts, loans, "kick-backs", special privileges, services, or unusual hospitality. Does not apply to low value promotional items of a general advertising nature.

103.5-4. Enterprise employees are specifically encouraged to protect the Tribe's intellectual property and proprietary information. Proprietary information is any information or knowledge created, acquired or controlled by the Tribe that the Tribe has determined should not be published or released to others. It includes, but is not limited to, financial and billing records, unannounced products and services, technical information, sales and marketing data, and employee records. If the release of the information could cause the Tribe the loss of a critical competitive advantage, could hurt relationships with customers or could embarrass or harm fellow employees it is considered proprietary.

When enterprise employees leave the Tribe, all documents and records containing proprietary information must be returned to the Tribe. Further, there is a continuing obligation to safeguard any information obtained during the course of their employment.

103.5-5. All enterprise employees are required to conduct themselves according to the highest ethical standards of integrity and honesty. Further, each employee is expected to comply with all applicable tribal, federal, state and local laws. Finally, an employee should not undertake any activity that is aimed at, or could reasonably have the effect of, retarding the success of the Tribe in the market place, and should avoid any actions inconsistent with this commitment.

103.6. Enforcement.

103.6-1. This code shall be enforced according to the following:

- (a) Government officials may be subject to either removal, if elected, or termination, if appointed, for a violation of any portion of this ethics code as it applies to them.
- (b) Programs and Enterprises shall be removed according to the procedures set out in the Oneida Personnel Procedures and Policies Manual. Provided that, suspension while investigation or termination is an appropriate action, and one offense is sufficient for termination. Provided further, that any suspension shall be without pay.

103.7. Gifts and Gratuities

103.7-1. Notwithstanding any provision of this law, no governmental official, administrative staff, employee of a program or enterprise, or a program or enterprise may accept a gift or gratuity of any value for the privilege of doing business with the Oneida Tribe of Indians of Wisconsin.

103.7-2. Further, any person or entity listed in section 7-1 is required to report gifts of gratuities with a value of \$50.00 or more which is given:

- (a) For activities participated in or organized by the Oneida Tribe; or
- (b) To the person or entity listed in section 7-1 on behalf of the Oneida tribe.

Those gifts or gratuities with a value of \$50.00 or more shall be document on form CE-1 and forwarded to the Property Management Office within the Accounting Department of the Oneida Tribe.

103.7-3. All gifts or gratuities having a value of \$49.99 or less need not be documented on form CE-1. However, no individual may retain any gift or gratuity meeting the definition set out in section 7-2 for personal gain.

Adopted - Oneida Business Committee minutes, 10-21-91

Adopted - BC-11-23-94-A

Emergency Amendment - BC-04-12-06-JJ

Amended - BC-09-27-06-E (adoption of emergency amendment)

September 2025

September 2025

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October 2025

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Sep 1 8:00am HOLIDAY	2 9:00am Law/Legislative Update Meeting 10:00am Oneida Personnel Policies and 1:30pm UCC/Secured Transactions (Microsoft 3:00pm Feasibility Assessment Meeting -	3 8:30am LOC Prep Meeting (Microsoft Teams 9:00am Legislative Operating Committee 1:30pm LOC Work Session (Microsoft 5:00pm Election Law Amendments	4	5 10:00am Conflict of Interest amendments - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz
8 8:00am Telecommuting 8:30am Doctor Appointment 2:00pm Initiative: Invest in Energy Infrastructure Meeting 3:00pm Renewable Energy Law Work	9	10 8:30am Regular BC Meeting (BC_Conf_Room and Microsoft Teams) - Secretary	11 10:30am Code of Ethics (Microsoft Teams Meeting) - Grace L. Elliott 12:00pm LOC @ Oneida Farmers Market (Oneida Farmers Market) - Clorissa N.	12 8:00am OUT 10:00am Boards, Committees, Commissions amendments - work 1:30pm Recycling and Solid Waste Disposal amendments - work
15 9:30am Domestic Animals Law Amendments (Microsoft Teams Meeting) - Clorissa N. Leeman	16	17 8:30am LOC Prep Meeting (Microsoft Teams 9:00am Legislative Operating Committee 1:30pm LOC Work Session (Microsoft 5:30pm LOC Community Meeting: Budget and	18 8:30am Nation Building Quarterly Meeting (BC_Conf_Room) - Nation_Building	19 1:30pm Safe Ally trainings with Nicole Kurth from the UWGB Pride Center (Norbert Hill Center Cafeteria) - Carolyn A. Salutz
22 8:00am Telecommuting 9:00am Doctor Appointment	23	24	25 12:00pm LOC @ Oneida Farmers Market (Oneida Farmers Market) - Clorissa N. Leeman	26 8:30am Regular BC Meeting - Rescheduled from 9/24/25 (BC_Conf_Room and 1:30pm Safe Ally trainings with Nicole Kurth from the UWGB Pride Center (Norbert Hill Center
29	30 10:00am Law/Legislative Update Meeting (Microsoft Teams Meeting) - Clorissa N. 3:00pm Research Review Law (Microsoft Teams Meeting) - Grace L. Elliott	Oct 1	2	3