



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill Center

December 3, 2025

9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. November 5, 2025 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Solid Waste Disposal Law Amendments (pg. 5)
2. Workplace Violence Law Amendments (pg. 34)

IV. New Submissions

1. Petition: K. Schultz – General Welfare Assistance Payment to Membership #2025-03 (pg. 75)
2. Plastic Free Law (pg. 76)
3. Oneida Language Law (pg. 84)
4. Time and Attendance Law for Elected Officials (pg. 92)

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
November 5, 2025
9:00 a.m.

Present: Jameson Wilson, Jonas Hill, Kirby Metoxen [*Microsoft Teams*]

Excused: Jennifer Webster

Unexcused: Marlon Skenandore

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

Others Present on Microsoft Teams: Janice Decorah, Joshua Cornelius, Melissa Alvarado, Rae Skenandore, Ralinda Ninham-Lamberies, Shannon Stone, Fawn Cottrell, Sarah White, Sidney White, Kristal Hill, Fawn Billie, Ashley Blaker, David Jordan, Jason Martinez, Justin Nishimoto, Taryn Webster, Tina Jorgensen, Rhiannon Metoxen, Terri Schiltz, Eric Boulanger, Ronald Van Schyndel, Tavia James Charles

I. Call to Order and Approval of the Agenda

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

Motion by Jonas Hill to adopt the agenda; seconded Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. October 15, 2025 LOC Meeting Minutes

Motion by Jonas Hill to approve the October 15, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Hunting, Fishing, and Trapping Law Amendments

Motion by Jonas Hill to approve the updated public comment review memo, draft, and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Jonas Hill to approve the 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 November 21, 2025; seconded by Kirby Metoxen. Motion carried unanimously.



2. Budget and Finances Law Amendments

Motion by Jonas Hill to approve the updated draft and legislative analysis of the proposed amendments to the Budget and Finances law; seconded by Kirby Metoxen. Motion carried unanimously.

3. Eviction and Termination Law Amendments

Motion by Jonas Hill to approve the draft of the proposed amendments to the Eviction and Termination law; seconded by Kirby Metoxen. Motion carried unanimously.

4. Solid Waste Disposal Law Amendments

Motion by Jonas Hill to approve and accept the proposed amendments and direct the Legislative Reference Office to develop a legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

5. Workplace Violence Law Amendments

Motion by Jonas Hill to Accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

6. Independent Contractor Law Amendments

Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

7. Public Use of Tribal Land Law Amendments

Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

1. Time and Attendance Law for Elected Officials

Motion by Jonas Hill to add the Time and Attendance Law for Elected Officials to the Active Files List with Jonas Hill as the sponsor. No second to the Motion. Motion failed.

Motion by Kirby Metoxen to deny the request to add the Time and Attendance Law for Elected Officials to the Active Files List. No second to the Motion; opposed by Jonas Hill. Motion failed.

Motion by Jonas Hill to defer this item to the next LOC meeting; seconded by Kirby Metoxen. Motion carried unanimously.

V. Additions

VI. Administrative Updates**1. E-Poll Results: Approval of the LOC and LRO FY 2026 Annual Reports for GTC**

Motion by Jonas Hill to enter into the record the results of the October 23, 2025 e-poll entitled, Approval of the LOC and LRO FY 2026 Annual Reports for GTC; seconded by Kirby Metoxen. Motion carried unanimously.

2. Legislative Operating Committee Fiscal Year 2025 Fourth Quarter Report

Motion by Jonas Hill to approve the Legislative Operating Committee Fiscal Year 2025 Fourth Quarter Report and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

VII. Executive Session**VIII. Adjourn**

Motion by Kirby Metoxen to adjourn at 9:49a.m.; seconded by Jonas Hill. Motion carried unanimously.



Legislative Operating Committee December 3, 2025

Solid Waste Disposal

Submission Date: 11/12/18	Public Meeting: N/A
LOC Sponsors: Jonas Hill and Kirby Metoxen	Emergency Enacted: N/A

***Summary:** This item was carried over from the last two (2) terms. In November 2018, the Environmental, Health, Safety and Land Division requested that amendments be made to the Recycling and Solid Waste Disposal law to address current matters such as curbside recycling, illegal dumping, due process, and enforcement.*

10/4/23 LOC: Motion by Jennifer Webster to add the Recycling and Solid Waste Disposal Law Amendments to the Active Files List with Kirby Metoxen and Jonas Hill as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

08/12/24: *Work Meeting.* Present: Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Jameson Wilson, Carolyn Salutz, Fawn Billie, Maureen Perkins, Ronald Vanschyndel, Shannon Stone, Eric McLester, Mark Powless, Eric Boulanger. The purpose of this work meeting was to pick up reviewing potential amendments since the last time the LRO worked on this (June 2024). We were able to review the entire law, but Carolyn will need to schedule another work meeting with just the LOC to review the old drafts and the work that has been done.

The meeting discussed: EHSLD's name is soon changing to Environmental Land and Agriculture, DPW and zoning enforce some provisions of this law, law should allow investigations without the need to get a warrant (when they get a call for possible violation and need to immediately investigate), waste streams are still a huge issue, there needs to be a distinction between minor violations and major dumping (something that could be handled in a fine and penalty schedule), a fine and penalty schedule has never been presented to the BC for adoption through resolution, illegal dumping is still a big concern, the right to cure should be first a notice, no collection, then a fine, trash at parks is an issue often because dumpsters aren't possible, deer carcasses aren't a huge issue, special dumpsters are put out during hunting season, if carcasses become an issue zoning will issue a citation, don't really need a separate section of the law for deer carcasses (something that could be put under "Prohibitions"), "Burning and Demolition Projects" doesn't really need its own section, this comes up when construction projects need to recycle, more of a zoning issue, if needed can be handled by Disposition law (Disposition of Excess Tribal Property), sometimes enforcement occurs outside Reservation, not always applicable to say "within exterior boundaries of the Reservation", might need to work with Intergovernmental Affairs to sort out how enforcement should be conducted, people that violate this law (illegal dumping is main concern) can only really be cited for trespass, or given a fine under Public Use of Tribal Lands citation schedule.

Maybe violations, citations, fines (enforcement provisions) could be included in the law instead of the law directing EHSLD to develop a fine and penalty schedule.

- 08/22/24:** *Work Meeting.* Present: Jonas Hill, Marlon Skenandore, Jameson Wilson, Fawn Billie, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Shannon Stone, Ronald Vanschyndel, Bridget John, Eric McLester, Nicole Rommel, Victoria Flowers. The purpose of this work meeting was for representatives from DPW and the Environmental Division to provide their comments and input on potential amendments. Shannon Stone led the meeting. Shannon started a line-by-line review, ending at Section 405.6, Collection and Disposal of Recyclable Materials. Most of the conversation focused on policy, definitions, enforcement, implementation, and policy.
- 08/23/24:** *Work Meeting.* Present: Shannon Stone and Carolyn Salutz. The purpose of this work meeting was to review Carolyn's notes, for Shannon to answer follow-up questions, and make sure Carolyn is clear on requested edits so far.
- 09/05/24:** *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Shannon Stone, Ronald Vanschyndel, Bridget John, Victoria Flowers. The purpose of this work meeting was to finish reviewing the law line by line from where the last work meeting ended, section 405.6. We did get through the entire law, now drafting attorney will summarize notes, start making edits, and schedule the next work meeting.
- 10/24/24:** *Work Meeting.* Present: Shannon Stone, Ronald Vanschyndel, Eric McLester, Victoria Flowers, Jameson Wilson, Jonas Hill, Marlon Skenandore, Maureen Perkins, Kristal Hill, Clorissa Leeman, Carolyn Salutz. The purpose of this meeting was to review the current draft. We got through section 405.6 and should probably pick up the next review at line 248, section 405.7, Collection and Disposal of Solid Waste. One major issue that was brought up was the fact we don't really have ability to enforce recycling and it could just be removed from the law. Another major issue was the fine and penalty schedule; at the 9/5 work meeting it was discussed that it could be included right in the law; Clorissa said it should actually probably not go in the law and instead the law should delegate rule making authority and a fine and penalty scheduled should be developed by the involved departments.
- 12/4/24:** *Work Meeting.* Present: Jonas Hill, Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the draft of a combined recycling and solid waste into just solid waste and get LOC consensus on the combination. LOC agreed to move forward with combining.
- 1/28/25:** *Work Meeting.* Present: Shannon Stone, Ronald Vanschyndel, Eric McLester, Bridget John, Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby Metoxen, Maureen Perkins, Kristal Hill, Carolyn Salutz. The purpose of this work meeting was to review the newest amendments. We did a line-by-line of the entire law; skipping some sections that had no edits, but mostly the entire draft. We spent the most time discussing animal carcasses. How they are handled seems to be through service agreements/MOUs/MOAs between the counties, DNR, DOT. This is still an issue we need to pick apart. The other issue to more strongly address is illegal dumping, trespassing, non-collections, commercial properties. Consensus was that current draft too strongly identified issues with residential collections, illegal dumping and non-collections at commercial properties still a concern.

- 3/5/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Kristal Hill, Fawn Cottrell, Fawn Billie, Clorissa Leeman. Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review animal carcass/roadkill provisions. LOC decided they do not want provisions that require someone to take a large animal to the dump. LOC is okay leaving roadkill provisions as responsibility of State/County/municipality as handled through service agreements/MOAs. Jonas did mention he would like more information on how it is handled by State/County/municipality.
- 3/31/25:** *Work Meeting.* Present: Shannon Stone, Victoria Flowers, Eric McLester, Nicole Rommel, Bridget John, Jameson Wilson, Jonas Hill, Kristal Hill, Fawn Cottrell, Carolyn Salutz. The purpose of this work meeting is to review the newest amendments. Because we are so close to finalizing amendments Carolyn suggested we do an entire read-through. A few comments and suggestions came up, mostly regarding definitions and making sure some sections are clear (like if we need to say and define “illegal” dumping vs. dumping, and definition of “reservation” and referencing service agreements for roadkill) – suggestions that can easily be addressed by the LOC – the LOC is ready to review and approve the draft and send it to public meeting.
- 4/21/25:** *Work Meeting.* Present: Ronald Vanschyndel, Jonas Hill, Kirby Metoxen, Kristal Hill, Carolyn Salutz. The purpose of this meeting was for Ron to share his insights and experiences related to how we are amending the law; things he believes we need to consider and hasn’t been able to share in the larger work meetings. Some topics included: we do actually need regulations on recycling (maybe a separate law but it is still needed), how to manage goods from “cradle to grave,” how we can ensure purchasing is aware of waste handling when they purchase. These suggestions might totally change the draft, Carolyn will need to review suggestions, review the documents Ron provided, and come up with some options for the LOC. We may need to make more changes and hold more work meetings.
- 7/7/25:** *Work Meeting.* Present: Ronald Vanschyndel, Jonas Hill, Kristal Hill, Jennifer Webster, Marlon Skenandore. The purpose of this work meeting was to discuss why it is important to keep “recycling” in “recycling and solid waste.” The LOC members present decided to keep it.
- 9/12/25:** *Work Meeting.* Present: Ronald Van Schyndel, Eric McLester, Nicole Rommel, Victoria Flowers, Shannon Stone, Jennifer Webster, Kirby Metoxen, Fawn Billie, Fawn Cottrell, Rhiannon Metoxen, Carolyn Salutz. The purpose of this work meeting was to update the group on the LOC’s decision to keep recycling. The group, Victoria Flowers, especially was opposed to keeping it. Ultimately, Jenny and Kirby made the policy decision on behalf of the LOC to remove it. The other point mentioned was that now the RCRA, Resource Conservation and Recovery Act, is mentioned. It is okay to mention the entire act and not just the specific sections that apply.
- 10/16/25:** *Work Meeting.* Present: Ronald Van Schyndel, Eric McLester, Victoria Flowers, Shannon Stone, Bridget John, Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Fawn Cottrell, Carolyn Salutz. The purpose of this meeting was to review two changes Carolyn made and then to do a read-through to approve a final draft. Group did a read through and did approve a final draft.
- 11/5/25 LOC:** Motion by Jonas Hill to approve the draft of the Solid Waste Disposal Law Amendments and direct the Legislative Reference Office to complete a Legislative Analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Accept the draft and legislative analysis. Direct the Legislative Reference Office to schedule a public meeting.



SOLID WASTE DISPOSAL LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

Analysis by the Legislative Reference Office	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> ▪ Rename the law from “Recycling and Solid Waste Disposal” to “Solid Waste Disposal.” [4 O.C. 405]. ▪ Remove the separation of “recycling” and “solid waste” and instead redefine solid waste to include recyclable materials. [4 O.C. 405.3-1(v); 4 O.C. 405.6]. ▪ Clarify in the definitions the following terms: “customers,” “e-waste,” “major appliances,” “reservation,” “service provider,” and “sharps.” [4 O.C. 405.1-1(a); (f); (p); (h); (p); (q); (s)]. ▪ Clarify the management of solid waste within the Reservation will be governed by this law, the Nation’s Sustainable Materials Management Plan, and applicable provisions of the Resource Conservation and Recovery Act. [4 O.C. 405.4]. ▪ Clarify that Division of Public Works (“DPW”) and Environmental Land and Agriculture (“ELA”) have the authority to administer certain provisions of this law, including informing the public of certain requirements, determining nuisances, procuring service providers, and making rules for the regulation and administration of this law. [4 O.C. 405.5]. ▪ Clarify there will be a fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee. [4 O.C. 405.5-1(h)]. ▪ Clarify certain items need to be separated; ELA, or the service provider may refuse pick up; and there will be a special collection of some items which will be scheduled annually and posted on the Nation’s website. [4 O.C. 405.6.7]; [4 O.C. 405.7]; [405 O.C. 405.10]. ▪ Clarify that deer carcasses and other large animal carcasses are not collectable and may not be place for curbside collection. [4 O.C. 405.7-1(j)]. ▪ Clarify it is prohibited to burn solid waste, dump, throw, or leave solid waste in unauthorized areas, in any way that creates a nuisance, or in any way that violates the Sustainable Materials Management Plan, other provisions of the Solid Waste Disposal law, the Public Peace law, or any other law of the Nation. [4 O.C. 405.9]. ▪ Various grammatical changes and other minor changes throughout the law.
Purpose	<p>The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation. [4 O.C. 405.1-1].</p>

Affected Entities	The Oneida Nation Division of Public Works (“DPW”), the Oneida Nation Environmental, Land & Agriculture Division (“ELA”), the Oneida Police Department, the Oneida Nation Zoning Department, any present or future service provider, all residential and commercial properties within the Reservation who use the Nation’s contracted service provider.
Enforcement	<p>The Solid Waste Disposal law delegates authority to DPW and ELA to administer certain provisions of the law. <i>[4 O.C. 405.5-1]</i>. This authority includes:</p> <ul style="list-style-type: none"> • Overseeing the implementation and enforcement of this law and the Sustainable Materials Management Plan “(SMMP)”. <i>[4 O.C. 405.5-1(a)]</i>. • Hiring third-party service providers. <i>[4 O.C. 405.5-1(b)]</i>. • Developing and amending the SMMP to be consistent with the Solid Waste Disposal law and at least once every five years. <i>[4 O.C. 405.5-1(c)]</i>. • Developing a fine and penalty schedule. <i>[4 O.C. 405.5-1(d)]</i>. • Taking reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP. <i>[4 O.C. 405.5-1(e)]</i>. • (f) conducting inspections and investigating complaints. <i>[4 O.C. 405.5-1(f)]</i>. • Determining if the storage or disposal of solid waste has created a nuisance. <i>[4 O.C. 405.5-1(g)]</i>. • Issuing a citation to persons found in violation of this law. <i>[4 O.C. 405.5-1(h)]</i>. • Making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law. <i>[4 O.C. 405.5-1(i)]</i>. • Notifying all customers of the Nation of the terms and conditions for collection. <i>[4 O.C. 405.5-1(j)]</i>. • Making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation. <i>[4 O.C. 405.5-1(k)]</i>.
Due Process	<p>DPW, ELA, and the service provider are required to take reasonable measures to notify the public of the requirements of this law and the SMMP. <i>[4 O.C. 405.5-1(e)]</i>.</p> <p>Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste can contact DPW, ELA, or the service provider for instruction. <i>[4 O.C. 405.5-1(e)(1)]</i>.</p> <p>If solid wastes are not properly handled, prepared, contained, stored, or located, and the service provider does not collect, the service provider may leave notice</p>

	explaining the reason for non-collection and allowing the customer time to correct, typically until the next collection. [4 O.C. 405.5.10].
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 Recycling and Solid Waste Disposal law was originally adopted by the Oneida Business Committee on December 14, 1994, through resolution BC-12-14-94-A. The law was subsequently amended by the Oneida Business Committee on February 15, 1995, through resolution BC-2-15-95-K and emergency amended by the Oneida Business Committee through on November 11, 1998, through resolution BC-11-9-98-A. The Solid Waste Disposal law provides guidelines for the proper management of solid wastes within the Reservation. [4 O.C. 405.4; 405.5; 405.6; 405.7].
- B. **Request for Amendments.** This item was originally added to the Active Files List on November 12, 2018, at the request of the Environmental, Health, Safety and Land Division, now named the Environmental Land & Agriculture Division, to address matters such as curbside recycling, illegal dumping, due process, and enforcement. This item was added to the Active Files list for a second time on October 7, 2020. This item was added to the Active Files list for a third time on October 4, 2023. The sponsors of the Solid Waste Disposal law amendments are Councilman Kirby Metoxen and Councilman Jonas Hill.

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:
 - Oneida Nation Division of Public Works (“DPW”);
 - Oneida Nation Environmental, Land & Agriculture Division (“ELA”); and
 - Oneida Police Department.
- The following laws and policies of the Nation were reviewed in the drafting of this analysis:
 - Sustainable Materials Management Plan (“SMMP”);
 - Zoning and Shoreland Protection law [6 O.C. 605]; and
 - Public Peace law [3 O.C. 309].

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 November 5, 2025, the Legislative Operating Committee approved the draft of the Solid Waste Disposal Law Amendments and directed the Legislative Reference Office to complete a Legislative Analysis.

- 34 **B.** At the time this legislative analysis was developed the following work meetings had been held
35 regarding the development of the amendments to this law:
- 36 ▪ August 12, 2024: LOC work meeting with DPW, ELA, and the Oneida Police Department.
 - 37 ▪ August 22, 2024: LOC work meeting with DPW and ELA.
 - 38 ▪ August 23, 2024: LOC work meeting with LRO and Shannon Stone of DPW.
 - 39 ▪ September 5, 2024: LOC work meeting with DPW and ELA.
 - 40 ▪ October 24, 2024: LOC work meeting with DPW and ELA.
 - 41 ▪ December 4, 2024: LOC work meeting.
 - 42 ▪ January 28, 2025: LOC work meeting with DPW and ELA.
 - 43 ▪ March 5, 2025: LOC work meeting.
 - 44 ▪ March 31, 2025: LOC work meeting with DPW and ELA.
 - 45 ▪ April 21, 2025: LOC meeting with Ronald Vanschyndel of DPW.
 - 46 ▪ July 7, 2025: LOC work meeting with Ronald Vanschyndel of DPW.
 - 47 ▪ September 12, 2025: LOC work meeting with DPW and ELA.
 - 48 ▪ October 16, 2025: LOC work meeting with DPW and ELA where the LOC informally
49 approved the final draft.
- 50

51 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 52 **A. *Application of the Law.*** The proposed amendments improve the management of solid waste within
53 the Reservation. [4 O.C. 405.4] The management of solid waste within the Reservation is clarified by
54 defining “Customer” and “Service provider.” [4 O.C 405.3-1(a); (q)].
- 55 ▪ *Effect.* The proposed amendments clarify that this law covers all residential and commercial
56 properties within the Reservation who use the Nation’s service provider. The Nation’s service
57 provide is defined as the company with whom the Nation contracts to provide collection
58 services for the solid waste to be collected within the Reservation. These proposed amendments
59 clarify the scope of the Nation’s ability to regulate the management of solid waste within the
60 Reservation which has a direct impact on the health, safety, and welfare of the community.
- 61 **B. *Defining “solid waste.”*** The proposed amendments expand the definition of solid waste to include
62 various categories of materials. [4 O.C. 405.3-1(v)(a)-(e)].
- 63 ▪ *Effect.* The proposed amendments expand the definition of solid waste by including five
64 separate categories. Rather than distinguishing solid waste and recyclable materials, the
65 proposed definition includes recyclable materials as one category of solid waste. By expanding
66 the definition of solid waste to include various and specific categories of waste materials,
67 including recyclable materials which has previously been distinguished, the proposed
68 amendments expand and clarify the application of this law and make it easier for the Nation,
69 the service provider, and customers to identify its scope and application.
- 70 **C. *Applicable laws and policies.*** The proposed amendments clarify the proper handling, storage,
71 collection, transportation, processing, recycling, and disposal of solid waste within the Reservation will
72 be governed by this law, the Sustainable Materials Management Plan, and the applicable provision of
73 the Resource Conservation and Recovery Act. [4 O.C. 405.4].
- 74 ▪ *Effect.* The proposed amendments clarify which laws and policies will govern, which expands
75 the Nation’s ability to self-govern.
- 76 **D. *Duty to notify.*** The proposed amendments require DPW, ELA, and the service provider to take
77 reasonable measures to notify the public about the requirements of the law and the SMMP. [4 O.C.

405.5(e)]. In order to make the public aware of the requirements of this law DPW, ELA, and the service provider may send new customers the collection requirements, notify the public through publication, and make materials available at the offices of DPW and ELA. *Id.*

- *Effect.* The proposed amendments clarify the Nation must notify all customers within the Reservation of the requirements of this law and the SMMP. This requirement will make it easier for the Nation and the service provider to identify and enforce and easier for customers to identify what is required of them.

E. *Special Collections.* The proposed amendments require the Nation to schedule special collections and post the schedule on the Nation's website. [4 O.C. 405.6-7].

- *Effect.* The proposed amendments clarify that although some items are considered non-collectable, the Nation will schedule and post on the Nation's website the collection of certain items.

F. *Deer and large animal carcasses.* The proposed amendments clarify the kinds of animal carcasses that are considered non-collectable. [4 O.C. 405.7(j)]. Rather than disallowing all dead animal carcasses the proposed amendment clarifies that deer carcasses and large animal carcasses weighing over one hundred (100) pounds would be considered non-collectable. *Id.*

- *Effect.* The proposed amendment clarifies the scope of dead animal carcasses that the Nation and its service provider will not accept as part of regular collections; allowing the Nation and its service provider more control over the types of materials it is required to collect and manage.

G. *Prohibitions.* The proposed amendments clarify prohibitions and what is not allowed by any person, not only customers of the Nation's service provider. [4 O.C. 405.9] It will be prohibited to:

- the burn solid waste [4 O.C. 405.9(a)];
- dump, dispose, throw, or leave solid waste
 - i. in any waterway [4 O.C. 405.9(c)];
 - ii. from a stopped or moving vehicle upon a highway, road, or right of way with the Reservation [4 O.C. 405.9(b)];
 - iii. in any dumpster or waste bin that does not belong to that customer and not authorized for that customer's use [4 O.C. 405.9(d)];
 - iv. within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation [4 O.C. 405.9(g)];
- store, handle, dump, deposit, leave, or throws solid waste in any way reasonably likely to cause a nuisance [4 O.C. 405.9(e)];
- neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, and the Oneida Police Department, or the Nation's Zoning Department. [4 O.C. 405.9(f)].
- *Effect.* The proposed amendments allow the Nation to further ensure the health and safety of the Nation and the Reservation by disallowing certain activities of all people, not only the customers of the Nation's service provider.

H. *Right to Refuse Collection and Right to Reject.* The proposed amendments include a new section allowing the Nation's service provider to refuse collection if solid waste is not properly handled, prepared, contained, stored, or located. [4 O.C. 405.10]. The proposed amendment further clarifies that the service provider may leave notice explaining the reason for not collecting and allowing the person time to correct. [4 O.C. 405.10-1(a)]. If the person has not corrected by the next collection cycle, the

proposed amendment authorizes the service provider to notify DPW for enforcement under the law. [4 O.C. 405.10-1(b)].

- *Effect.* The proposed amendment strengthens the Nation’s ability to enforce the collection and management of solid waste within the Reservation. The proposed amendments also require the Nation to notify all persons who use the Nation’s service provider of the requirements of collections. This proposed amendment then allows the Nation’s to enforce the requirements of collections.

I. **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:

- *Zoning and Shoreland Protection.* The purpose of the Zoning and Shoreland Protection law is to establish a zoning plan for tribal lands held in trust and fee, heirship lands, and individual trust and fee lands within the Reservation by dividing the Reservation into districts, regulate the use of land and buildings on lots and the density of the population, and provide for the administration and enforcement of this law, assist in guiding the future development of the Reservation and protect the character and stability of residential, commercial, industrial, agricultural, and other districts within the Reservation, and assure the orderly and beneficial development of such areas. [6 O.C. 605.1-1].
 - The Zoning and Shoreland Protection law defines “Public nuisance” as “a thing, act, occupation, condition, or use of property which continues for such length of time as to: (1) substantially annoy, injured, or endanger the comfort, health, repose, or safety of the public; (2) [i]n any way render the public insecure in life or in the use of property; or (3) [g]reatly offend the public morals or decency; or (4) [u]nlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.” [6 O.C. 605.3-1(iiii)].
 - According to the Zoning and Shoreland Protection law a person commits a public nuisance “by using or maintaining their property in any manner which endangers the public’s health, safety[,] or welfare, limits the use or enjoyment of neighboring property, or causes or tends to cause diminution of the value of the property of others in the are in which such property is located.” [6 O.C. 605.6-12].
 - According to the Zoning and Shoreland Protection law the Zoning Administrator is responsible for the administration and enforcement of this law and responsible for determining whether a public nuisance exists. [6 O.C. 605.3-1(xxxxxx); 605.6-12(a)].
 - The Zoning and Shoreland Protection law categorizes public nuisances into the following categories:
 - Storage of Chemicals;
 - Outdoor Storage and Waste Disposal;
 - Noise;

- Emission Smoke;
 - Emission of Particulate Matter, Heat and Glare;
 - Toxic and Noxious Matter;
 - Radioactivity or Electrical Disturbance;
 - Vibration;
 - Storage of Vehicles;
 - Other Public Nuisances;
 - Weeds and Rank Growth;
 - Exterior Storage of Supplies;
 - Building Exteriors; and
 - Other Public Nuisances. [6 O.C. 605.6-12(b)-(p)].
- The proposed amendments align with the Zoning and Shoreland Protection law by strengthening the Nation's ability to monitor and enforce any activity identified as a nuisance; either through the Zoning and Shoreland Protection law or the proposed amendments to the Solid Waste Disposal law. [6 O.C. 605.6-12; 4 O.C. 405.5-1(g)].
 - *Public Peace Law.* The purpose of the Public Peace law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [3 O.C. 309.1-1]. The Public Peace law's underlying policy is to promote peace and order within the boundaries of the Reservation while also providing an orderly process for addressing civil infractions that occur. [3 O.C. 309.1-2].
 - According to the Public Peace law, a person commits the civil infraction of nuisance whenever they engage in a thing, act, occupation, condition, or use of property which continues for such length of time as to:
 - substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
 - in any way render the public insecure in life or in the use of property; or
 - greatly offend the public morals or decency. [3 O.C. 309.6-6].
 - According to the Public Peace law a person commits the civil infraction of maintaining a chronic nuisance house if they have three (3) or more police contacts during a twelve (12) month period at the premises they own or occupy through a lease or rental agreement. [3 O.C. 309.6-7].
 - According to the Public Peace law a person can commit the following infractions against health and safety:
 - Littering: the depositing, throwing, dumping, discarding, and abandoning of litter.
 - Litter is defined as all rubbish, waste materials, refuse, garbage, trash debris, or other foreign substances, solid, liquid, or every form, size, and kind. [3 O.C. 309.10-1].
 - **Unsanitary** area: allowing any scrap, refuse, junk, salvage, rubbish or property within the exterior boundaries of the Reservation that created

unsightly areas or contributes to health and safety hazards. [3 O.C. 309.10-2].

- If the Oneida Police Department determines an individual has violated a provision of the Public Peace law, the individual may be subject to a citation, including fines and other penalties. [3 O.C. 309.11].
- The proposed amendments align with the Public Peace law by strengthening the Nation's ability to monitor and enforce any activity identified as a nuisance; either through the Public Peace law or the proposed amendments to the Solid Waste Disposal law. [6 O.C. 605.6-12; 4 O.C. 405.5-1(g)].
 - The proposed amendments align with the Public Peace law by prohibiting nuisance activities and requiring DPW and ELA to determine if the storage or disposal of solid waste has created a nuisance. [4 O.C. 405.1-1(g)].
 - The proposed amendments further align with the Public Peace law because like the Public Peace law, the Oneida Police Department and the Oneida Zoning Department to have the authority to investigate complaints and referrals, obtain search warrants and conduct inspections and issue citations. [4 O.C. 405.5-2].
- *Citations Law.* The purpose of the Citations law is to provide a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 708.1-1].
 - According to the Citations law an officer may issue a citation to any person they have reasonable grounds to believe has committed a violation of a law of the Nation that expressly permits the issuance of a citation. [8 O.C. 807.4-2].
 - When an officer issues a citation a civil action in the Oneida judiciary is commenced for the purposes of collecting a fine or penalty. [8 O.C. 807.4-1].
 - The Citations law requires the citation contain specific information, be served on the defendant, and be filed with the Oneida judiciary. [8 O.C. 807.4-3; 807.4-4; 807.4-5].
 - The Citations law contains the requirements of hearing procedures [8 O.C. 807.6].
 - The proposed amendments align with Citations law by enhancing the Nation's ability to monitor, investigate, and enforce violations of the Nation's law, especially violations that may impact the health, safety, and welfare of the Reservation. [8 O.C. 807.1-1].
- **Sustainable Materials Management Plan.** The purpose of this policy is to:
 - implement effective materials management practice, including source-reduction and recycling programs and planning and developing future materials management activities; and
 - describe the community and service areas, including demographic, geographic, and waste generation characteristics; and
 - describe the Nation's administrative structure, including its framework for implementing waste and recycling services and programs; and
 - document existing materials management programs and conditions; and

- present proposed materials management practice and alternatives to improve the performance of the Nation's materials management system; and
- identify the preferred short-term and long-term actions by the Nation to implement responsible and sustainable materials management practices, including strategies to address persistent materials management challenges; and
- guide planning decisions that improve the performance of the Nation's materials management system; and
- describe the Nation's process of adopting the plan. [cite?]
- This policy provide detailed information on how the Nation will manage all solid waste generated and collected within the Reservation. [cite?]
- The proposed amendments align with the Sustainable Materials Management Plan by creating an overarching framework for the management and collection of solid waste generated within the Reservation. The policy provides detailed information and guidance on how the Nation will manage and collect solid waste; the proposed amendments provide the larger framework of requirements. The proposed amendments require the SMMP to be amended at least once every five years and in a manner consistent with the Solid Waste Disposal Law. [cite?]

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Solid Waste Disposal law gives authority to the Nation's Department of Public Works and the Nation's Environmental Land & Agriculture Department to administer the provisions of the law, including the authority to make referrals to the Oneida Police Department and the Nation's Zoning Department for further investigation and enforcement. [4 O.C. 405.5].
- B. The Solid Waste Disposal law clarifies and enumerates the authority of DPW and ELA. [4 O.C. 405.5-1]. DPW and ELA shall be delegated the authority to administer the provisions of the law, including the authority to:
- oversee the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;
 - follow the Nation's RFP process for the procurement of third-party service providers;
 - develop and amend the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;
 - develop a fine and penalty schedule;
 - take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours;
 - conduct inspections and investigate complaints, to ensure that solid wastes are managed in accordance with this law and the SMMP;
 - determine if the storage or disposal of solid waste has created a nuisance;
 - issue a citation to persons found in violation of any provision of this law in an amount set forth in the fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

- make referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.
 - notify all customers of the Nation of the terms and conditions for collection
 - make reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.
- C. The Solid Waste Disposal law requires the Nation to handle, store, collect, transport, transfer, process, recycle, and dispose of solid waste generated and collected within the Reservation in accordance with the provisions of the law, the most current version of the SMMP, and applicable provisions of the Resource Conservation and Recovery Act, a Federal law. [4 O.C. 405.4].
- D. The Solid Waste Disposal law requires the SMMP to be interpreted in a manner consistent with the law to the greatest extent possible. [4 O.C. 405.4-1(b)].
- E. The Solid Waste Disposal law clarifies it will supersede the SMMP if there is an irreconcilable conflict between a provision of the Solid Waste Disposal law and the SMMP. [4 O.C. 405.4-1(b)(1)].
- F. The Solid Waste Disposal law delegates authority to the Oneida Police Department to enforce the provisions of the law, including:
- investigating complaints and referrals from DPW or ELA for suspected violations of this law;
 - obtaining a search warrant and conducting inspections if necessary to enforce the provisions of this law;
 - issuing citations consistent with the fine and penalty schedule developed by DPW and ELA. [4 O.C 405.5-2].
- G. The Solid Waste Disposal law authorizes the service provider to refuse collection if solid wastes are not properly handled, prepared, contained, stored, or located. [4 O.C. 405.10].
- H. If the service provider determines solid wastes have not been properly handled, prepared, contained, stored, or located and does not collect, the law requires the service provider to leave notice explaining the reason for non-collection and allowing the customer time to correct. [4 O.C. 405.10-1(a)].
- I. If the customer has not corrected, the law authorizes the service provider to notify DPW for further enforcement under the law. [4 O.C. 405.10-1(b)].

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 4. Environment and Natural Resources - Chapter 405

Tsi> Tetwatlahtste Kahle Tsi> Yeyakotyeh@khwa>
where the things are used over and where the garbage is kept

~~RECYCLING AND~~ SOLID WASTE DISPOSAL

405.1	Purpose and Policy	405.78	Non-collectable Solid Waste
405.2	Adoption and Amendment	405.89	Non-residential facilities and Properties and Multi-family Dwellings
405.3	Definitions	405.940	Prohibitions
405.4	Application	405.104	Right to Refuse Collection
405.5	Authority		
405.6	Collection and Disposal of Solid Waste		
405.7	Separation of Recyclable Materials		

405.1. Purpose and Policy

405.1-1. *Purpose.* The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation.

405.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by prohibiting methods of ~~recycling and~~ solid waste disposal that could have an adverse impact on members of the community or the environment and by implementing a ~~recycling and~~ solid waste management program that emphasizes reducing, reusing, and recycling the majority of ~~recyclable materials and~~ waste within the Reservation.

405.2. Adoption and Amendment

405.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-14-94-A and amended by resolutions BC-2-15-95-K, BC-11-9-98-A and BC-__-__-__.

405.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

405.2-3. 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.

405.2-4. 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.

405.2-5. This law was adopted under the authority of the Constitution of the Oneida Nation.

405.3. Definitions

405.3-1. 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) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.~~

~~(b) "Container board" means a type of packaging material used in shipping containers and related products.~~

~~(ae)~~ "Customer" mean all residential and commercial properties within the Reservation who use the Nation's service provider and dumpsters and bins, authorized by the Nation or its service provider to collect solid waste.

~~(b)~~ "Designated Agent" means the person responsible for coordinating the collection ~~and separation of recyclable materials and~~ solid waste at a non-residential facility or property.

~~(cd)~~ "DPW" means the Oneida Nation Division of Public Works.

~~(de)~~ "ELA" means the Oneida Nation Environmental, Land & Agriculture Division.

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(~~ef~~) “Explosive Material” means any material, mixture, or compound with explosive or flammable properties such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, fireworks, gasoline, or certain chemicals.

(~~fg~~) “E-waste” means a type of solid waste which contains large electronics and other hazardous waste including lead, mercury, cadmium, chromium, and other heavy metals and chemical flame retardants.

(~~h~~)(~~g~~) “Hazardous Waste” means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976 as amended.

(h) “Major appliances” means non-portable or semi-portable machines used for housekeeping tasks and maintenance like temperature control, cooking, food preparation and storage, and cleaning and include items such as a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

(i) “Medical waste” means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure could cause the human or animal exposed to contract an infectious disease; or any waste generated in the diagnosis, treatment, or immunization of humans or animals.

(j) “Multi-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.

(k) “Nation” means the Oneida Nation.

(l) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities, or properties. This term does not include multi-family dwellings.

(m) “Nuisance” means a thing, condition, or use of property which continues for such length of time as to:

(1) substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) in any way render the public insecure in life or in the use of property; or greatly offend the public morals or decency; or

(3) unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.

(n) “Person” means a natural person, as well as a business entity, corporation, partnership, association, governmental unit, or agency of any governmental unit.

~~(p) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, that is used to contain a product that is the subject of a retail sale.~~

(~~oq~~) “Recyclable materials” means materials resulting from residential or commercial activities that can be recovered through processes to regain that material for human or animal use.

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

(q) “Service provider” means the company contracted with the Nation to provide collection services for solid waste collected within the Reservation.

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(r) “Sewage” means water-carried solid waste created in and to be conducted away from residences, industrial establishments, and public buildings.

(s) “Sharps” means an object with sharp points or edges that can puncture or cut skin.

(t) “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

(u) “SMMP” means the Sustainable Materials Management Plan developed and maintained by DPW and ELA to outline how the Nation will reduce, manage, and dispose of all ~~recyclable materials and~~ solid waste generated within the Reservation.

(v) “Solid waste” means solid, semi-solid, liquid, discarded, salvageable, and recyclable material. Solid waste may consist of the following categories:

(a) garbage, which is waste resulting from the handling, cooking, processing, preparing, serving, storing, and consuming food, including fish, fowl, fruits, vegetables, or other matter which is subject to decomposition and decay;

(b) waste material resulting from typical residential activity, public service activities, and manufacturing;

(c) construction or demolition waste, which is waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick;

(d) refuse, which is all nonrecyclable waste resulting from industrial or commercial operations including but not limited to cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard; and

(e) recyclable materials, which are waste materials that can be recovered through processes to regain that material for human or animal use.

(w*) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include trees, stumps, roots, or shrubs with intact root balls.

405.4. Application

405.4-1. This law governs the management of ~~recyclable materials and~~ solid waste within the Reservation.

(a) ~~Recyclable materials and~~ Solid waste shall be handled, stored, collected, transported, transferred, processed, recycled, and disposed of in accordance with the provisions of this law, ~~and~~ the most current version of the SMMP, and the applicable provisions of the Resource Conservation and Recovery Act as amended.

(b) The SMMP shall be interpreted in a manner consistent with this law to the greatest extent possible.

(1) In the event there is an irreconcilable conflict between a provision of this law and a provision of the SMMP, the provision of this law shall govern.

405.5 Authority

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405.5-1. DPW and ELA shall be delegated the authority to administer the provisions of this law, which shall include, but not be limited to:

(a) overseeing the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;

(b) following the Nation's RFP process for the procurement of third-party service providers;

(1) all third-party service providers shall be State licensed solid waste transporters.

(c) developing and amending the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;

(d) developing a fine and penalty schedule, subject to approval by the Oneida Business Committee through resolution;

(e) DPW, ELA, and the service provider shall take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours.

(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact DPW, ELA, or the service provider for instruction.

(f) conducting inspections, as well as investigating complaints, to ensure that ~~recyclable materials and~~ solid wastes are managed in accordance with this law and the SMMP;

(1) no person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials;

(g) determining if the storage or disposal of solid waste has created a nuisance;

(h) issuing a citation to persons found in violation ~~of any provision~~ of this law in an amount set forth in ~~the~~ fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation;

(i) making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.

~~(g) taking reasonable measures to ensure that the public is aware and properly informed of the requirements of this law and the SMMP, which includes, but is not limited to, that such requirements be provided to the public through publication and made available to the public for inspection at the offices of ELA.~~

~~(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact ELA for instruction.~~

(j) notifying all customers of the Nation of the terms and conditions for collection; and
~~ELA or its designated collection and transportation service reserve the right to refuse to collect any recyclable materials or solid waste that is not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.~~

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(k) making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.

405.5-2. The Oneida Police Department ~~and wardens from the Oneida Conservation Department~~ shall be delegated the authority to enforce the provisions of this law, which shall include, but not be limited to:

(a) investigate complaints and referrals from DPW or ELA for suspected violations of this law;

(b) obtain a search warrant and conduct inspections if necessary to enforce the provisions of this law;

(1) No person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials; and

(c) issue citations consistent with the fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation.

405.6 Collection and Disposal of Recyclable Materials

~~405.6 1. Mandatory Curbside Collection. All recyclable materials shall be collected from all properties within the Reservation provided such materials are properly handled, prepared, contained, stored, and located.~~

~~405.6 2. Public Notice. DPW and ELA shall take reasonable measures to ensure that the public is aware and properly informed of the requirements of this section of the law and the SMMP, which may include notifying the public through publication or making information available to the public for inspection at the offices of DPW or ELA during normal business hours.~~

~~(a) Any person in doubt as to the proper preparation, handling, and disposal of any type of recyclable materials should contact the service provider, DPW or ELA for instruction.~~

~~405.6 3. Collection Preparation and storage requirements. Regardless of service provider, persons located within the Reservation must adhere to the following:~~

~~(a) only approved bins provided by the Nation or its service provider are acceptable for collection;~~

~~(b) all recyclable materials shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;~~

~~— (c) all recyclable materials shall be stored out of view from the roadway;~~

~~(d) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;~~

~~(e) to the greatest extent practicable, recyclable materials shall be clean and kept free of hazardous waste or medical waste; —~~

~~— (f) recyclable materials shall be stored in such a manner that protects it from — wind, rain, and other inclement weather conditions.~~

~~405.6 4. Collection Requirements. DPW shall provide a curbside collection service within the Reservation that includes, at a minimum:~~

~~(a) weekly collection of recyclable materials provided such materials are properly handled, prepared, contained, and stored in accordance with this law and the SMMP;~~

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~~(b) the issuance of containers that are adequate for the storage of recyclable materials.~~

405.6. Collection and Disposal of Solid Waste

405.6-1. *Mandatory Curbside Collection.* All approved solid waste shall be collected from ~~all customers properties~~ provided such materials are properly handled, prepared, contained, stored, and located. Curbside collection is generally for residential customers.

405.6-2. *Collection Preparation and Storage Requirements.* ~~Regardless of service provider, persons~~ Customers located within the Reservation must adhere to the following:

(a) only approved bins provided by the Nation or its service provider are acceptable for collection;

(b) all solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;

~~(c) all solid waste shall be stored out of view from the roadway;~~

~~(cd)~~ (c) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;

~~(de)~~ (d) to the greatest extent practicable, solid waste should be clean and kept free of hazardous waste or medical waste; and

~~(ef)~~ (e) solid waste shall be stored in ~~such~~ a manner that protects it from wind, rain, and other inclement weather conditions.

405.6-3. *Collection Requirements.* DPW shall provide a ~~curbside~~ collection service within the Reservation that includes, at a minimum:

(a) ~~weekly periodic~~ collection of solid waste, ~~including yard waste~~; provided, such waste is properly handled, prepared, contained, and stored in accordance with this law and the SMMP; and

(b) the issuance of containers that are adequate for the storage of collectable solid waste.

405.6-4. The following shall apply to the collection and disposal of all solid waste within the Reservation, regardless of the curbside service provider:

(a) All solid waste shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.

(b) No commercial solid waste transporter shall operate or conduct business within the Reservation without a solid waste transport license issued from the State of Wisconsin ~~the Oneida Nation Conservation Department.~~

405.6-5. *Separation.* Occupants of single and two-to-four-unit residences, multi-family dwellings, and the designated agent at non-residential facilities and properties shall separate certain items from solid waste in accordance with the terms and conditions of collection as provided by the service provider. Some items that must be separated from solid waste are likely not collectable and some are likely collectable only during a special collection.

405.6-6. *Right to Reject.* ELA or its designated collection and transportation service reserve the right to refuse to collect any solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.

405.6-7. *Special Collections.* The collection of some items will be scheduled annually and posted on the Nation's website.

405.7 Non-Collectable Solid Waste

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405.7-1. No person may place for curbside collection or deposit at any location within the Reservation any of the following types of ~~recyclable materials or~~ solid waste:

- (a) hazardous waste;
- (b) pesticides;
- (c) medical waste;
- (d) asbestos;
- (e) sludge;
- (f) industrial or commercial waste from any industrial or commercial facility or operation;
- (g) residue or debris from the clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural, or industrial process;
- (~~h~~i) medical waste;
- (~~i~~j) sewage;
- (~~j~~k) ~~dead animal or~~ deer carcasses or other large animal carcasses weighing over one hundred (100) pounds; collection of which is subject to the terms and conditions of service agreements between the Nation, surrounding Counties and municipalities, and the State;
- (~~k~~l) trees or any other material that does not meet the definition of yard waste;
- (~~l~~m) wood treated with chemical preservatives;
- (~~m~~n) explosive material;
- (~~n~~o) material that would otherwise be recyclable material but is contaminated by hazardous or medical waste;
- (~~o~~p) e-waste;
- (~~p~~q) any other material expressly prohibited by the SMMP if DPW has provided adequate, advanced notice to the public; and
- (~~q~~r) any item expressly prohibited by the service provider.

405.89. Non-Residential Facilities and Properties and Multi-Family Dwelling Families Dwellings

405.89-1. Owners of non-residential facilities and properties and multi-family dwellings or their designated agents shall do the following:

- (a) provide adequate, separate containers for ~~recyclable materials and~~ solid waste and provide a collection and delivery service of those ~~recyclable materials and~~ solid wastes to a processing facility;
- (b) notify, in writing, at the time of signing the lease and annually thereafter, all users, tenants, and occupants of the property about this law and the SMMP; and
- (c) notify users, tenants, and occupants of which materials are collected, how to prepare the materials in order to meet the collection and processing requirements of this law and the SMMP, the collection methods, or sites, including address and hours of operation, and the contact person or company, including name, address, and telephone number.

~~405.9 2. Right to Reject. ELA or its designated collection and transportation service reserve the right to refuse to collect any recyclable materials or solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.~~

405.911. Prohibitions

405.911-1. Unless authorized, no person shall:

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(a) burn solid waste;

~~(a) dump, deposit, or leave recyclable materials or solid waste in a location or in a manner not authorized by this law or the SMMP;~~

(b) dump, deposit, or throw ~~recyclable materials or~~ solid waste from a stopped or moving vehicle upon a highway, road, or right of way within the Reservation;

~~(c) burn recyclable materials or solid waste;~~

~~(d) neglect or refuse to clean up and remove from the premises any recyclable materials or solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, Oneida Conservation Department, or the Nation's Zoning Department.~~

(ce) dump, dispose, throw, or leave ~~of recyclable materials or~~ solid waste in any waterway located within the Reservation, at any time of the year; ~~or~~

~~(df) dispose or~~ dump, dispose, or leave ~~recyclable materials or~~ solid waste within the Reservation in a dumpster or waste bin that does not belong to that customer and is not authorized for that customer's use;

~~a way that would violate this law or any other law of the Nation.~~

(e) store, handle, dump, deposit, leave, or throw solid waste in any way reasonably likely to cause a nuisance;

(f) neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, or the Nation's Zoning Department; and

(g) dump, dispose, or leave solid waste within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation.

405.102. ~~Right to Cure~~ Right to Refuse Collection

405.102-1. If ~~recyclable materials or~~ solid wastes are not properly handled, prepared, contained, stored, or located, the service provider may not collect.

(a) Instead of collecting, the service provider may leave a notice explaining the reason for non-collection and allowing the ~~person~~ customer time to correct, typically until the next collection.

(b) If the ~~person~~ customer has not corrected by the next collection, the service provider will notify DPW ~~or ELA~~ for enforcement under this law.

End.

Adopted – BC-12-14-94-A

Amended – BC-2-15-95-K

Amended – BC-11-9-98-A (Emergency amendments – expired)

Title 4. Environment and Natural Resources - Chapter 405

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where the things are used over and where the garbage is kept

SOLID WASTE DISPOSAL

405.1 Purpose and Policy
405.2 Adoption and Amendment
405.3 Definitions
405.4 Application
405.5 Authority
405.6 Collection and Disposal of Solid Waste

405.7 Non-collectable Solid Waste
405.8 Non-residential facilities and Properties and
Multifamily Dwellings
405.9 Prohibitions
405.10 Right to Refuse Collection

405.1. Purpose and Policy

405.1-1. *Purpose.* The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation.

405.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by prohibiting methods of solid waste disposal that could have an adverse impact on members of the community or the environment and by implementing a solid waste management program that emphasizes reducing, reusing, and recycling the majority of waste within the Reservation.

405.2. Adoption and Amendment

405.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-14-94-A and amended by resolutions BC-2-15-95-K, BC-11-9-98-A and BC-__-__-__-__.

405.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

405.2-3. 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.

405.2-4. 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.

405.2-5. This law was adopted under the authority of the Constitution of the Oneida Nation.

405.3. Definitions

405.3-1. 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) “Customer” means all residential and commercial properties within the Reservation who use the Nation’s service provider and dumpsters and bins, authorized by the Nation or its service provider to collect solid waste.

(b) “Designated Agent” means the person responsible for coordinating the collection of solid waste at a non-residential facility or property.

(c) “DPW” means the Oneida Nation Division of Public Works.

(d) “ELA” means the Oneida Nation Environmental, Land & Agriculture Division.

(e) “Explosive Material” means any material, mixture, or compound with explosive or flammable properties such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, fireworks, gasoline, or certain chemicals.

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- (f) “E-waste” means a type of solid waste which contains large electronics and other hazardous waste including lead, mercury, cadmium, chromium, and other heavy metals and chemical flame retardants.
- (g) “Hazardous Waste” means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976 as amended.
- (h) “Major appliances” means non-portable or semi-portable machines used for housekeeping tasks and maintenance like temperature control, cooking, food preparation and storage, and cleaning and include items such as a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
- (i) “Medical waste” means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure could cause the human or animal exposed to contract an infectious disease; or any waste generated in the diagnosis, treatment, or immunization of humans or animals.
- (j) “Multi-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (k) “Nation” means the Oneida Nation.
- (l) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities, or properties. This term does not include multi-family dwellings.
- (m) “Nuisance” means a thing, condition, or use of property which continues for such length of time as to:
- (1) substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
 - (2) in any way render the public insecure in life or in the use of property; or greatly offend the public morals or decency; or
 - (3) unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.
- (n) “Person” means a natural person, as well as a business entity, corporation, partnership, association, governmental unit, or agency of any governmental unit.
- (o) “Recyclable materials” means materials resulting from residential or commercial activities that can be recovered through processes to regain that material for human or animal use.
- (p) “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566., and all lands added thereto pursuant to federal law.
- (q) “Service provider” means the company contracted with the Nation to provide collection services for solid waste collected within the Reservation.
- (r) “Sewage” means water-carried solid waste created in and to be conducted away from residences, industrial establishments, and public buildings.
- (s) “Sharps” means an object with sharp points or edges that can puncture or cut skin.

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(t) “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

(u) “SMMP” means the Sustainable Materials Management Plan developed and maintained by DPW and ELA to outline how the Nation will reduce, manage, and dispose of all solid waste generated within the Reservation.

(v) “Solid waste” means solid, semi-solid, liquid, discarded, salvageable, and recyclable material. Solid waste may consist of the following categories:

(a) garbage, which is waste resulting from the handling, cooking, processing, preparing, serving, storing, and consuming food, including fish, fowl, fruits, vegetables, or other matter which is subject to decomposition and decay;

(b) waste material resulting from typical residential activity, public service activities, and manufacturing;

(c) construction or demolition waste, which is waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick;

(d) refuse, which is all nonrecyclable waste resulting from industrial or commercial operations including but not limited to cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard; and

(e) recyclable materials, which are waste materials that can be recovered through processes to regain that material for human or animal use.

(w) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include trees, stumps, roots, or shrubs with intact root balls.

405.4. Application

405.4-1. This law governs the management of solid waste within the Reservation.

(a) Solid waste shall be handled, stored, collected, transported, transferred, processed, recycled, and disposed of in accordance with the provisions of this law, the most current version of the SMMP, and the applicable provisions of the Resource Conservation and Recovery Act as amended.

(b) The SMMP shall be interpreted in a manner consistent with this law to the greatest extent possible.

(1) In the event there is an irreconcilable conflict between a provision of this law and a provision of the SMMP, the provision of this law shall govern.

405.5 Authority

405.5-1. DPW and ELA shall be delegated the authority to administer the provisions of this law, which shall include, but not be limited to:

(a) overseeing the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;

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(b) following the Nation's RFP process for the procurement of third-party service providers;

(1) all third-party service providers shall be State licensed solid waste transporters.
(c) developing and amending the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;

(d) developing a fine and penalty schedule, subject to approval by the Oneida Business Committee through resolution;

(e) DPW, ELA, and the service provider shall take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours.

(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact DPW, ELA, or the service provider for instruction.

(f) conducting inspections, as well as investigating complaints, to ensure that solid wastes are managed in accordance with this law and the SMMP;

(1) no person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials;

(g) determining if the storage or disposal of solid waste has created a nuisance;

(h) issuing a citation to persons found in violation of this law in an amount set forth in the fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation;

(i) making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.

(j) notifying all customers of the Nation of the terms and conditions for collection; and

(k) making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.

405.5-2. The Oneida Police Department shall be delegated the authority to enforce the provisions of this law, which shall include, but not be limited to:

(a) investigate complaints and referrals from DPW or ELA for suspected violations of this law;

(b) obtain a search warrant and conduct inspections if necessary to enforce the provisions of this law;

(1) No person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials; and

(c) issue citations consistent with the fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee;

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(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation.

405.6. Collection and Disposal of Solid Waste

405.6-1. *Mandatory Curbside Collection.* All approved solid waste shall be collected from customers provided such materials are properly handled, prepared, contained, stored, and located. Curbside collection is generally for residential customers.

405.6-2. *Collection Preparation and Storage Requirements.* Customers located within the Reservation must adhere to the following:

(a) only approved bins provided by the Nation or its service provider are acceptable for collection;

(b) all solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;

(c) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;

(d) to the greatest extent practicable, solid waste should be clean and kept free of hazardous waste or medical waste; and

(e) solid waste shall be stored in a manner that protects it from wind, rain, and other inclement weather conditions.

405.6-3. *Collection Requirements.* DPW shall provide a collection service within the Reservation that includes, at a minimum:

(a) periodic collection of solid waste; provided, such waste is properly handled, prepared, contained, and stored in accordance with this law and the SMMP; and

(b) the issuance of containers that are adequate for the storage of collectable solid waste.

405.6-4. The following shall apply to the collection and disposal of all solid waste within the Reservation, regardless of the curbside service provider:

(a) All solid waste shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.

(b) No commercial solid waste transporter shall operate or conduct business within the Reservation without a solid waste transport license issued from the State of Wisconsin.

405.6-5. *Separation.* Occupants of single and two-to-four-unit residences, multi-family dwellings, and the designated agent at non-residential facilities and properties shall separate certain items from solid waste in accordance with the terms and conditions of collection as provided by the service provider. Some items that must be separated from solid waste are likely not collectable and some are likely collectable only during a special collection.

405.6-6. *Right to Reject.* ELA or its designated collection and transportation service reserve the right to refuse to collect any solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.

405.6-7. *Special Collections.* The collection of some items will be scheduled annually and posted on the Nation's website.

405.7 Non-Collectable Solid Waste

405.7-1. No person may place for curbside collection or deposit at any location within the Reservation any of the following types of solid waste:

(a) hazardous waste;

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- (b) pesticides;
- (c) medical waste;
- (d) asbestos;
- (e) sludge;
- (f) industrial or commercial waste from any industrial or commercial facility or operation;
- (g) residue or debris from the clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural, or industrial process;
- (h) medical waste;
- (i) sewage;
- (j) deer carcasses or other large animal carcasses weighing over one hundred (100) pounds; collection of which is subject to the terms and conditions of service agreements between the Nation, surrounding Counties and municipalities, and the State;
- (k) trees or any other material that does not meet the definition of yard waste;
- (l) wood treated with chemical preservatives;
- (m) explosive material;
- (n) material that would otherwise be recyclable material but is contaminated by hazardous or medical waste;
- (o) e-waste;
- (p) any other material expressly prohibited by the SMMP if DPW has provided adequate, advanced notice to the public; and
- (q) any item expressly prohibited by the service provider.

405.8. Non-Residential Facilities and Properties and Multi-Family Dwellings

405.8-1. Owners of non-residential facilities and properties and multi-family dwellings or their designated agents shall do the following:

- (a) provide adequate, separate containers for solid waste and provide a collection and delivery service of those solid wastes to a processing facility;
- (b) notify, in writing, at the time of signing the lease and annually thereafter, all users, tenants, and occupants of the property about this law and the SMMP; and
- (c) notify users, tenants, and occupants of which materials are collected, how to prepare the materials in order to meet the collection and processing requirements of this law and the SMMP, the collection methods, or sites, including address and hours of operation, and the contact person or company, including name, address, and telephone number.

405.9. Prohibitions

405.9-1. Unless authorized, no person shall:

- (a) burn solid waste;
- (b) dump, deposit, or throw solid waste from a stopped or moving vehicle upon a highway, road, or right of way within the Reservation;
- (c) dump, dispose, throw, or leave solid waste in any waterway located within the Reservation, at any time of the year;
- (d) dump, dispose, or leave solid waste within the Reservation in a dumpster or waste bin that does not belong to that customer and is not authorized for that customer's use;

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(e) store, handle, dump, deposit, leave, or throw solid waste in any way reasonably likely to cause a nuisance;

(f) neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, or the Nation's Zoning Department; and

(g) dump, dispose, or leave solid waste within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation.

405.10. Right to Refuse Collection

405.10-1. If solid wastes are not properly handled, prepared, contained, stored, or located, the service provider may not collect.

(a) Instead of collecting, the service provider may leave a notice explaining the reason for non-collection and allowing the customer time to correct, typically until the next collection.

(b) If the customer has not corrected by the next collection, the service provider will notify DPW for enforcement under this law.

End.

Adopted – BC-12-14-94-A

Amended – BC-2-15-95-K

Amended – BC-11-9-98-A (Emergency amendments – expired)



Legislative Operating Committee December 3, 2025

Workplace Violence Law

Submission Date: 2/6/19	Public Meeting: 10/15/25
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.*

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 shouldn't be required to notify them immediately. This is an issue the LOC will decide and consider. Other issues involved clarifying some language and making sure all reporting goes to EEO, but that EEO will communicate with HRD and vice versa if needed – but not many other issues.
- 2/19/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Kristal Hill, Fawn Cottrell, Carolyn Salutz, Clorissa Leeman, Grace Elliott. The purpose of this work meeting is to review and decide on an issue that came up during the work meeting on 2/14/25: should the law require EEO to report to the law office at the start of every investigation. By majority, LOC decided they do want to require EEO to report to the law office at the start of every investigation.
- 3/5/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was for Carolyn to review her reasoning on why it is not necessary for the law to require the 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 (shall report) but allowed (may report).
- 5/2/25:** *Work Meeting.* Present: Laura Laiten-Warren, Matthew Denny, Rita Reiter, Whitney Wheelock, Jameson Wilson, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Kristal Hill, Fawn Billie, Fawn Cottrell. During this work meeting the group did a read through of the entire law. Carolyn briefly mentioned recent edits. There was no discussion on additional edits needed; the draft was approved.
- 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 y 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 prepare a public meeting packet; seconded by Marlon Skenandore. Motion carried unanimously.

9/3/25 LOC: Motion by Jennifer Webster to accept the public meeting packet and schedule a public meeting on October 15, 2025; seconded by Jonas Hill. Motion carried unanimously.

10/15/25: *Public Meeting Held.* No individuals provided oral comments during the public meeting.

10/22/25: *Public Comment Period Closed.* Two (2) individuals provided written comments during the public comment period.

11/5/25 LOC: Motion by Jonas Hill to accept the public comments and the public comment review memo and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

11/14/25: *Work Meeting.* The purpose of this work meeting was to review and consider the public comments received.

Next Steps:

- Accept the public comment memorandum with the LOC consideration, updated draft, legislative analysis, and fiscal impact statement request memorandum.



TO: Ralinda Ninham-Lamberies, Chief Financial Officer
Lawrence Barton, Oneida Business Committee Treasurer
FROM: Jameson Wilson, Legislative Operating Committee Chairman
DATE: December 3, 2025
RE: Workplace Violence Law Amendments Fiscal Impact Statement

The Legislative Operating Committee (LOC) is currently developing amendments to the Workplace Violence law. The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and should include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement must be completed and submitted to the LOC prior to the proposed legislation being forwarded to the Oneida Business Committee for consideration. [1 O.C. 109.6-2]. The fiscal impact statement provides the Oneida Business Committee information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee can determine if adoption of the proposed legislation is in the best interest of the Nation.

The Legislative Procedures Act grants the LOC the authority to direct the Finance Department or any agency who may administer a program if the legislation is enacted or may have financial information concerning the subject matter of the legislation to submit a fiscal impact statement. [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 the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

On December 3, 2025, the Legislative Operating Committee approved the final draft of the proposed amendments to the Workplace Violence law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed amendments to the Workplace Violence law amendments by December 17, 2025.

A copy of the proposed amendments to the Workplace Violence law, as well as the legislative analysis, have been attached to this memorandum for your convenience.

Requested Action

Provide the LOC a fiscal impact statement of the proposed amendments to the Workplace Violence law by December 17, 2025.

TO: Legislative Operating Committee (LOC)
 FROM: Carolyn Salutz, Legislative Reference Office, Staff Attorney
 DATE: December 3, 2025
 RE: Workplace Violence Law Amendments: Public Comment Review

On October 15, 2025, a public meeting was held regarding the proposed amendments to the Oneida Landlord Tenant law. No comments were made during the public meeting. The public comment period was then held open until October 22, 2025. Two people submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public meeting and public comment period. The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Definition Clarification

“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.**

Mark Powless (written): There is no definition of emotional harm within the law. Without a definition it expands the subjective application of what constitutes emotional harm.

Response

The commenter suggests the definition of workplace violence is not clear enough because the definition uses “emotional harm” but does not define emotional harm.

In each law the Nation codifies the definition section clarifies: “All words not defined herein shall be used in their ordinary and everyday sense.”

A Google search is most likely used to find the definition of a word not defined in the law and as the word would be used in its ordinary and everyday sense. A Google search of “emotional abuse” produces many results. Here are two:

“Emotional harm, often referred to as emotional abuse or psychological abuse, involves non-physical acts that cause significant psychological distress and can have long-lasting effects on an individual's mental well-being.”

“Emotional harm encompasses a range of behaviors that inflict psychological pain or distress. This can include manipulation, intimidation, constant criticism, and other forms of non-

physical abuse. Unlike physical abuse, emotional harm often leaves no visible scars, making it harder to identify and address.”

LOC Consideration

The Legislative Operating Committee believes including a definition for “emotional harm” will strengthen and clarify the law, even if the definition is readily accessible through other formats. The Legislative Operating Committee also believes including a definition within the law will make it easier to reference and easier to identify.

223.3 Definitions

223-1. 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.

...

(c) “Emotional harm” means a range of behaviors that inflict psychological pain or distress. This can include manipulation, intimidation, constant criticism, and other forms of physical abuse. Unlike physical abuse, emotional harm often leaves no visible scars.”

Comment 2 – Application Clarification

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.

Mark Powless (written): Not sure what is meant by ‘reasonably connected to the workplace’. It seems to introduce a gray area that will be open to much interpretation. The definition of ‘workplace’ is clearly defined but the use of language of being ‘reasonably connected’ almost introduces a contradiction. With the additional language, it brings in undefined application of the term ‘workplace’.

Response

The commenter suggests requiring workplace violence to be “reasonably connected to the workplace” is too vague and possibly contradictory.

Although requiring workplace violence to be reasonably connected to the workplace may seem vague to the average employee, the law needs to connect acts of violence to the workplace, even if those acts of violence do not occur during normal work hours or at the workplace. It is not likely that all acts that could be workplace violence, will be committed between two employees, in the office or in the workplace, during work hours. It is likely that possible workplace violence can occur outside of normal work hours, not in the office or workplace, or between an employee and a non-employee, customer, or independent contractor, but in a way that is still connected to that employee’s workplace.

In the law, use of the word “reasonable” is often the best option. The Oneida Law Office attorneys are very familiar with the term “reasonable” and should be comfortable arguing in favor of an action being “reasonably connected to the workplace.” To address any confusion, the Oneida Law Office might consider working with the Human Resources Department to develop a training on workplace violence and what kinds of behaviors the Nation will not allow; both during and outside of normal work hours.

There is no recommended revision to the proposed amendments to the Law based on this comment.

LOC Consideration

The Legislative Operating Committee does not believe the law needs to more adequately explain how behaviors that do not occur during normal work hours or in the workplace can be reasonably connected to the workplace and therefore qualify as workplace violence. The Legislative Operating Committee understands the language is not completely clear; however, all potential incidents of workplace violence may not be completely clear. The Legislative Operating Committee believes the Oneida Law Office is comfortable arguing if any action is “reasonably connected” to the workplace.

The Legislative Operating Committee determined that the proposed amendments to the Law should remain as currently drafted.

Comment 3: Social Media Platforms

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;
- (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.

Mark Powless (written): This is the only reference to social media platforms in the document and lacks any context. Departments have struggled with how to address social media posts that occur while employees are not working but are making comments that are ‘reasonably connected to the workplace’. Adding more context will help employees understand if off the clock behaviors on social media that are ‘reasonably connected to the workplace’ fall under the Workplace Violence Law.

Response

The commenter recommends that the law include more context regarding an employee’s use of social media outside normal work hours and how that use of social media can be reasonably connected to the workplace.

More context of behaviors that occur outside of normal work hours, on a social media platform, that would constitute workplace violence may be beyond the necessary scope of this law and may be better addressed by the Human Resources Department or an SOP. It isn’t practical for the law to give context on all behaviors it is trying to regulate; by requiring all employees to be accountable for their behavior outside of normal work hours, on social media platforms, for any behavior that can be reasonably connected to the workplace, the Nation is protecting all employees and visitors.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted.
2. The Legislative Operating Committee may determine the prohibited behavior of “sending a threatening, harassing, or abusive messages by e-mail, letter, fax, phone call, text message or any other form of electronic media, including all social media platforms” may stay the same but the law could include another section addressing social media platforms and how use of those social media platforms outside of normal work hours, in a way reasonably related to the workplace, could constitute workplace violence.

The LRO does not recommend revision to the proposed amendments to the Law based on this comment. The law should not provide too much context; context would be more appropriate for Departments to create through SOPs or rule making authority. Laws are too difficult to change and only need to provide the parameters of behaviors that are being regulated and controlled; anything more specific should come from the Departments.

LOC Consideration

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;
- (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) sending a threatening, harassing, or abusive message using any social media platform;
- ~~(k)~~ using the workplace to violate restraining orders;
- ~~(l)~~ intentionally damaging property of the Nation or property of another; and
- ~~(m)~~ any other act that a reasonable person would perceive as constituting a threat of violence or actual violence.

Comment 4 – Emergency Reporting

223.6. Reporting 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.

Mark Powless (written): While it may be common sense, an employee should report any emergency situation in the workplace to their supervisor. Additionally, in my experience, more often than not, a call to the EEO office is answered by voicemail. There will also be instances where workplace violence occurs during hours outside of first shift as well.

Response

The commenter suggests all reporting of emergency situations should be made to the employee's supervisor. The proposed amendments require an employee to report an emergency situation to the Oneida Police Department, local law enforcement, and facility security, if appropriate. The proposed amendments for the reporting of emergency situations of workplace violence do not

discuss reporting to EEO. The proposed amendments do require the employee to report the incident to EEO as soon as possible.

The law says, “If an emergency exists or the situation is one of immediate danger to the life and safety of a person . . .” [2 O.C. 223.6-4(a)]. This change would not align with the rest of the proposed amendments and may be contrary to the intent of requiring emergency reporting to police or security.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may change the amendments and require reports of emergency situations be made to the employee’s supervisor.

LOC Consideration

The Legislative Operating Committee believes the reporting of emergency situations should be made to the Oneida Police Department, local law enforcement, or facility security first. In an emergency situation the police, law enforcement, or security are the most capable of managing an emergency, not the employee’s supervisor.

Comment 5 – Reporting to Supervisor

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.

Mark Powless (written): Similarly, any concerns of future workplace violence should be reported to the supervisor.

Response

The commenter would like to see the law require all reporting of future workplace violence to the employee’s supervisor. This change could require a review of all suggested amendments, especially the change in responsibilities of reporting and investigating, changing from the employee’s supervisor to EEO.

The LRO does not recommend revision to the proposed amendments to the Law based on this comment.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may require that all reporting of future workplace violence be made to both EEO and supervisor, concurrently.

LOC Consideration

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 [and their immediate supervisor](#) as soon as possible for an initial assessment pursuant to section 223.9. EEO [or the immediate supervisor](#) shall inform the Oneida Police Department, local law enforcement, or facility security if appropriate.

Comment 6 – Not Workplace Violence

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.

Mark Powless (written): If there is a determination that the complaint is not a case of workplace violence, does it follow the Employee Policies and Procedures, requiring the supervisor to “investigate the complaint and attempt to resolve the disagreement”

Response

If there is a determination the complaint is not workplace violence, the complaint will be dismissed. If the complaint that led to the investigation was made in bad faith the employee that complained will be disciplined according to the Nation’s laws, policies, and rules governing employment, up to and including termination. [2 O.C. 223.11]. If the investigation uncovers other information and finds a different allegation, investigation, or procedure is more appropriate the Oneida Personnel Policies and Procedures will govern, and the complaint will likely be handled by the employee’s supervisor or the Human Resources Department.

The Oneida Personnel Policies and Procedures contains a grievance process for EEO violations. An employee may appeal a final decision that resulted from an EEO violation or other illegal activity to the Oneida Nation judiciary within ten days of receipt of the final decision. This means the employee can still appeal a final decision under the Oneida Personnel Policies and Procedures even if that right is not explicitly referenced in this law.

There is no recommended revision to the proposed amendments to the Law based on this comment.

LOC Consideration

The Legislative Operating Committee decided no revision to the amendments is needed based on this comment because if it is determined the complaint is not workplace violence, the complaint will be dismissed.

Comment 7 – Lack of supervisor agreement on final decision and lack of consensus

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.

Mark Powless (written): What if the supervisor does not agree with the final decision or the group cannot reach consensus?

Response

Commenter questions what will happen if employee’s supervisor does not agree with the final decision or what will happen if the supervisor, the EEO Officer, and the Nation Human Resources Executive Director cannot all agree on the appropriate final decision.

The proposed amendments to the Workplace Violence law do not address what will happen if the EEO Officer, the Nation’s Human Resource Executive Director, and the employee’s supervisor cannot reach a consensus and all agree on a final decision. This issue was discussed during two work meetings on 10/18/2024, and 1/13/2025, and it was decided by the work group to require consensus in an effort to force, promote, and require cooperation. This means, the only option under the proposed amendments is for the EEO Officer, the Nation’s Human Resources Executive Director, and the employee’s supervisor to all agree and work together to determine the outcome and disciplinary actions, if any.

The LRO does not recommended revision to the proposed amendments to the Law based on this comment for two reasons; first the issue of lack of consensus has been discussed with advice from the Human Resources Department, and second, all employees already have the right to appeal to the Oneida Nation judiciary.

LOC Consideration

The Legislative Operating Committee decided to continue requiring the EEO Officer, supervisor, and Human Resources Executive Director to reach consensus regarding the final decision; there is no process to reconcile a disagreement, the group must reach consensus. Similarly, there is no process to reconcile a situation where the supervisor may not agree with the recommended final decision; the group must reach consensus.

Comment 8 – Final Decision

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.

...

(b) Application. If appropriate, the employee’s supervisor will be responsible for initiating the final decision.

Mark Powless (written): What is meant by initiating the final decision? It seems this should be in alignment with a sexual harassment claim that is investigated by the Human Resources Department. The investigator then provides the results of the investigation to the supervisor and outlines options for disciplinary actions (if warranted). It is then the supervisor who determines the appropriate action and initiates within 5 working days. Any appeal would then go to the Area Manager or Judiciary. The revised amendment almost reads as though the final decision includes the decision for disciplinary action. If that is the case, and an appeal goes to the Judiciary, will the Human Resources Department and the Supervisor jointly participate at the Judiciary.

Response

First, the commenter questions what is meant by initiating the final decision. To initiate the final decision means the supervisor is responsible for carrying out the disciplinary decisions, if any.

Second, the commenter notes “the amendment almost reads as though the final decision includes the decision for disciplinary action.” It is the intent of the amendments to have the disciplinary decision be known as the final decision.”

Third, the commenter also suggests the workplace violence law should align with the sexual harassment policy which requires the Human Resources Department investigate, then provide the results of the investigation to the employee’s supervisor with suggested discipline. Then it is the supervisor’s duty to determine the discipline and then carry it out. Because of the serious nature of workplace violence, the LOC decided, with advice from the Human Resources Department to move all reporting and investigating to the EEO Department. Even though the amendments move the reporting and investigating to the EEO Department, the Nation’s Human Resources Executive Director and the employee’s supervisor will be mutually responsible for reviewing the investigative file and determining disciplinary actions, if any.

Finally, the commenter suggests that if the intent of the amendments is to have the disciplinary decision contained in the final decision, where would an appeal go? All appeals will go to the Oneida Nation judiciary within ten days of receipt of the final decision.

There are no recommended revisions to the proposed amendments to the Law based on this comment.

LOC Consideration

The Legislative Operating Committee decided the amendments should remain as currently drafted. The Legislative Operating Committee decided it is clear enough for the law to require the final decision be initiated; meaning the final decision will be carried out, managed, handled, by the supervisor. It is the Legislative Operating Committee's intent to have the disciplinary actions, if any, contained in the final decision. The Legislative Operating Committee decided, with advice from the Human Resources Department, to move all reporting to the EEO Department while still allowing the employee's supervisor to be involved in the reporting, investigating, mitigation, and discipline, if appropriate. The Legislative Operating Committee understands this amendment does not align with the sexual harassment policy but believes workplace violence requires a different method of reporting, investigating, and enforcement. Lastly, the Legislative Operating Committee does not believe this law needs to contain a reference to an employee's right to appeal because that right is already codified in the Oneida Personnel Policies and Procedures.

Comment 9 – Enforcement

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.

Ronald Van Schyndel (written):

Hello,

I would like to see after the investigation and EEO returning the responsibility back over to the supervisor that all documentation gathered by EEO to justify the result being returned also be given to the supervisor at that time.

One question I have, what are the consequences to HRD when HR fails to implement the workplace violence law?

Thank you for your attention to these comments.

Response

Commenter would like to see the EEO department give information concerning the investigation to the employee's supervisor when EEO has concluded the investigation, including all documentation gathered to justify the result of the EEO investigation.

After EEO concludes the investigation, EEO will consult with the Nation's Human Resources Executive Director and the employee's supervisor to mutually determine an appropriate disciplinary action, the final decision. [2 O.C. 223.9-8]. This final decision will be in writing and contain justification. [2 O.C. 223.9-8(a)]. The EEO Officer is also responsible for sharing the investigative file with the Nation's Human Resources Executive Director and the employee's supervisor three days before they meet to determine the final decision. [2 O.C. 223.9-8(d)].

Commenter also questions the consequences on the Human Resources Department if this law is not followed?

This law does not address the consequences to the Human Resources Department if it is not followed. However, this law does include a general enforcement provision that says, "[a]ny 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." [2 O.C. 223.13-1].

There are no recommended revisions to the proposed amendments to the Law based on these comments.

LOC Consideration

The Legislative Operating Committee decided the amendments should remain as currently drafted because the amendments already require EEO to share the entire investigative file with the employee's supervisor and the amendments also contain an enforcement provision for any employee who violates the law.



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 <i>O.C. 223.10-1</i>; 2 <i>O.C. 223.10-2</i>].</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 <i>O.C. 223.10-3</i>].</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

- 71 is reasonably connected to the workplace. This proposed amendment clarifies and expands the
72 scope of this Law and extends the Nation’s jurisdiction and the Nation’s ability to protect its
73 employees.
- 74 **B. Defining the “final decision.”** The proposed amendments require the EEO Officer, the Nation’s
75 Human Resources Executive Director, and the employee’s supervisor to mutually determine a final
76 decision. [2 O.C. 223.9-8].
- 77 ▪ *Effect.* The proposed amendments make clear that there will be one (1), final decision regarding
78 the alleged incident of workplace violence. That one (1), final decision will be mutually decided
79 by the EEO Officer, Nation’s Human Resources Executive Director, and the employee’s
80 supervisor. This ensures greater accountability for the Nation and ensures the process for
81 deciding disciplinary measures is standardized.
- 82 **C. Expanding the definitions of “workplace” and “workplace violence.”** The proposed amendments
83 clarify and expand the definitions of “workplace” and “workplace violence” to include any setting or
84 circumstance, including traveling to or from a work-related event, and any setting or circumstance that
85 is reasonably related to that employee’s employment with the Nation. [2 O.C. 223.3(n); 2 O.C.
86 223.3(o).].
- 87 ▪ *Effect.* The proposed amendments to the definitions expand and clarify the application of this
88 law, which expands the Nation’s ability to protect its employees.
- 89 **D. Redefining prohibited behaviors.** The proposed amendments clarify specific examples of behaviors
90 that can constitute workplace violence. [2 O.C. 223.5]. Currently, prohibited behaviors do not include
91 social media platforms and the proposed amendments also clarify what it can mean to “intentionally
92 caus[e] physical injury” and redefining “horseplay” to mean “fighting or roughhousing that may be
93 dangerous to others” and require “an established pattern of loud, disruptive, angry, or abusive
94 language or behavior.” [2 O.C. 223.5-1.].
- 95 ▪ *Effect.* These proposed amendments clarify the types of behaviors the Nation will not tolerate
96 from its employees and will make it easier for the Nation to identify and enforce.
- 97 **E. Redefining the exceptions to prohibited behaviors.** The law prohibits possessing, carrying, or using a
98 weapon. [2 O.C. 223.5-1]. However, the law has identified three exceptions to the prohibition of
99 possessing, carrying, or using a weapon. [2 O.C. 223.5-2]. The proposed amendments clarify the
100 exception applies to any employee of the Nation who is required to possess, carry, or use a weapon as
101 part of their official duties. [2 O.C. 223.5-2(a)]. The proposed amendments make an exception for any
102 employee actively engaged in cultural activities or ceremonies. [2 O.C. 223.5-2(b)]. The proposed
103 amendments also make an exception for any employee actively hunting, fishing, or trapping. [2 O.C.
104 223.5-2(c)]. The proposed amendments allow these three exceptions as long as the employee is required
105 to possess, use, or carry a weapon as part of their employment with the Nation, as part of cultural
106 activities or ceremonies in which they are actively participating, or if the employee is actively hunting,
107 fishing, or trapping according to the Nation’s laws and rules on hunting, fishing, or trapping and the
108 employee possess, uses, or carries the weapon within the normal scope of those activities. [2 O.C.
109 223.5-2].
- 110 ▪ *Effect.* This proposed amendment allows the Nation to continue to prohibit an employee from
111 possessing, carrying, or using a weapon but it allows the Nation to make an exception for
112 specific jobs and job-related duties, cultural activities, and hunting, fishing, and trapping.
- 113 **F. Redefining the reporting, investigation, and disciplinary procedures.** The proposed amendments
114 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,
204 as well as any other dishonest or illegal acts of which they become aware in
205 the workplace. [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
211 an employee to report any violation of the Code of Ethics, as well as any
212 other dishonest or illegal acts of which they become aware in the workplace,
213 which would include instances of workplace violence. [1 O.C. 103.5-
214 3(c)(1)].
- 215 ▪ *Anonymous Letters Policy.* The purpose of this law is to set in place a system where anonymous
216 information is forwarded to a location best able to verify its reliability and to act on the source
217 or the accusation. [3 O.C. 307.1-1].
 - 218 ▪ This law requires that any employee who receives anonymous information will
219 forward a summary of that information in a confidential manner to the Chief of the
220 Oneida Police Department. [3 O.C. 307.4-1]. This law also requires that all
221 information forwarded will contain information identifying who received it, the
222 day, date, and time received. [3 O.C. 307.4-2]. This law makes the Chief of the
223 Oneida Police Department responsible to maintain the files on anonymous
224 information and to take appropriate action consistent with police investigatory
225 procedures. [3 O.C. 307.4-3].
 - 226 ▪ The proposed amendments align with the Anonymous Letters Policy by
227 requiring that if an employee learns of an anonymous threat, the employee
228 shall immediately forward that information to the Chief of the Oneida Police
229 Department in accordance with the Nation's laws, policies, and rules
230 governing anonymous letters; meaning if an employee learns of an
231 anonymous threat they are required to report under the Anonymous Letters
232 Policy and under the proposed amendments to the Workplace Violence law.
233 [2 O.C. 223.8-2].
- 234 ▪ *Pardon and Forgiveness Law.* The purpose of the Law is to provide a fair, efficient and formal
235 process by which a member of the Nation may receive a pardon for the conviction of a crime;
236 a member of the Nation may receive forgiveness for acts that render him or her ineligible for
237 housing or other benefits through the Nation; and a member or non-member of the Nation may
238 receive forgiveness for acts that render him or her ineligible to be employed with the Nation;
239 receive a Nation-issued occupational license, certification or permit; and/or obtain housing or
240 other benefits through the Nation [1 O.C. 126.1-1(a)].
 - 241 ▪ This law allows a tribal member to apply for a pardon one (1) year after an act is
242 committed. [1 O.C. 126-1(b)].

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

- Any disciplinary actions will be initiated by an immediate supervisor.
- The actions of threatening, attempting, or doing bodily harm to another person is subject to termination.
- The actions of intimidating, interfering with or using abusive language towards 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
TRANSLATION

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

223.1. Purpose and Policy

223.1-1. *Purpose.* The purpose of this law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence.

223.1-2. *Policy.* It is the policy of the Nation to provide a safe and secure environment for employees to work and conduct business by establishing the procedures by which incidents of workplace violence shall be addressed.

223.2. Adoption, Amendment, Repeal

223.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-E.

223.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

223.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

223.2-4. In the event of a conflict between a provision of this law and a provision of another law, 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) "Emotional harm" means a range of behaviors that inflict psychological pain or distress. This can include manipulation, intimidation, constant criticism, and other forms of physical abuse. Unlike physical abuse, emotional harm often leaves no visible scars.

~~(e)~~(d) "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.

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(e~~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.

(f~~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.

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

(h~~g~~) “Nation” means the Oneida Nation.

(i~~h~~) “Official duties” mean the duties of any employee of the Nation when that employee is actively performing their job requirements.

(j~~i~~) “Roughhousing” means wildly playful, rough, noisy, or mischievous behavior.

(k~~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.

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

(m~~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.

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

(o~~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.

(p~~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:

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- (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;
- (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) sending a threatening, harassing, or abusive message using any social media platform;
- ~~(k)~~ (k) using the workplace to violate restraining orders;
- ~~(l)~~ (l) intentionally damaging property of the Nation or property of another; and
- ~~(m)~~ (m) any other act that a reasonable person would perceive as constituting a threat of violence or actual violence.

223.5-2. *Exceptions to Prohibited Behavior.* An employee shall not be considered to have committed the prohibited behavior of possessing, carrying, or using a weapon under section 223.5-1(f) if the employee is actively:

- (a) performing official duties which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of those official duties;
- (b) participating in cultural activities or ceremonies on property of the Nation which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of the cultural activities or ceremonies;
- (c) hunting, fishing, or trapping on property of the Nation in accordance with the Nation's laws and rules governing hunting, fishing, and trapping and the weapon is possessed, carried, or used within the normal scope of hunting, fishing, or trapping; or
- (d) Any other action that is consistent with laws of the Nation.

223.6. Reporting Workplace Violence

223.6-1. EEO is responsible for investigating complaints, issuing the final decision, and all other duties and responsibilities detailed in section 223.9.

223.6-2. *Reporting by a non-employee.* Any non-employee is encouraged to report threats or observed workplace violence that occurs in the Nation's facilities and workplaces. A report of workplace violence given to an employee from a non-employee shall be promptly reported by the employee to EEO

223.6-3. *Permissive Reporting by an Employee.* Any employee may report workplace violence to EEO where the employee:

- (a) is the victim of workplace violence; or
- (b) has been threatened with workplace violence.

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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.

(b) *Non-Emergency Situation.* If a non-emergency exists or the situation is not one of immediate danger to the life and safety of a person, the employee shall report the incident to EEO as soon as possible.

223.6-5. EEO and the Nation's Human Resources Department are responsible for communicating and sharing information with each other to ensure that all complaints and investigations are properly and timely handled.

223.6-6. Any employee can be in compliance with this law if the employee contacts or communicates, either verbally or in writing, with either EEO or the Nation's Human Resources Department to report an incident of workplace violence.

(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 and their immediate supervisor as soon as possible for an initial assessment pursuant to section 223.9. EEO or the immediate supervisor 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

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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;

(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;

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

(c) interview employees and other witnesses;

(d) contact the Oneida Police Department or any other appropriate law enforcement agency when necessary;

(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

(g) 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.

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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.

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.

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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

Adopted – BC-06-28-17-E

Title 2. Employment – Chapter 223
WORKPLACE VIOLENCE
ONEIDA
TRANSLATION

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

223.1. Purpose and Policy

223.1-1. *Purpose.* The purpose of this law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence.

223.1-2. *Policy.* It is the policy of the Nation to provide a safe and secure environment for employees to work and conduct business by establishing the procedures by which incidents of workplace violence shall be addressed.

223.2. Adoption, Amendment, Repeal

223.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-E.

223.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

223.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

223.2-4. In the event of a conflict between a provision of this law and a provision of another law, 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) "Emotional harm" means a range of behaviors that inflict psychological pain or distress. This can include manipulation, intimidation, constant criticism, and other forms of physical abuse. Unlike physical abuse, emotional harm often leaves no visible scars.

(d) "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.

[Type here]

(e) “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.

(f) “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.

(g) “Intimidation” means making others feel afraid or fearful through threatening behavior.

(h) “Nation” means the Oneida Nation.

(i) “Official duties” mean the duties of any employee of the Nation when that employee is actively performing their job requirements.

(j) “Roughhousing” means wildly playful, rough, noisy, or mischievous behavior.

(k) “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.

(l) “Supervisor” means the person or entity responsible for overseeing the employee.

(m) “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.

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

(o) “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.

(p) “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;

[Type here]

- (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;
- (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;
- (j) sending a threatening, harassing, or abusive message using any social media platform;
- (k) using the workplace to violate restraining orders;
- (l) intentionally damaging property of the Nation or property of another; and
- (m) any other act that a reasonable person would perceive as constituting a threat of violence or actual violence.

223.5-2. *Exceptions to Prohibited Behavior.* An employee shall not be considered to have committed the prohibited behavior of possessing, carrying, or using a weapon under section 223.5-1(f) if the employee is actively:

- (a) performing official duties which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of those official duties;
- (b) participating in cultural activities or ceremonies on property of the Nation which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of the cultural activities or ceremonies;
- (c) hunting, fishing, or trapping on property of the Nation in accordance with the Nation's laws and rules governing hunting, fishing, and trapping and the weapon is possessed, carried, or used within the normal scope of hunting, fishing, or trapping; or
- (d) Any other action that is consistent with laws of the Nation.

223.6. Reporting Workplace Violence

223.6-1. EEO is responsible for investigating complaints, issuing the final decision, and all other duties and responsibilities detailed in section 223.9.

223.6-2. *Reporting by a non-employee.* Any non-employee is encouraged to report threats or observed workplace violence that occurs in the Nation's facilities and workplaces. A report of workplace violence given to an employee from a non-employee shall be promptly reported by the employee to EEO

223.6-3. *Permissive Reporting by an Employee.* Any employee may report workplace violence to EEO where the employee:

- (a) is the victim of workplace violence; or
- (b) has been threatened with workplace violence.

[Type here]

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.

(b) *Non-Emergency Situation.* If a non-emergency exists or the situation is not one of immediate danger to the life and safety of a person, the employee shall report the incident to EEO as soon as possible.

223.6-5. EEO and the Nation's Human Resources Department are responsible for communicating and sharing information with each other to ensure that all complaints and investigations are properly and timely handled.

223.6-6. Any employee can be in compliance with this law if the employee contacts or communicates, either verbally or in writing, with either EEO or the Nation's Human Resources Department to report an incident of workplace violence.

(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 and their immediate supervisor as soon as possible for an initial assessment pursuant to section 223.9. EEO or the immediate supervisor 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

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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;

(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;

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

(c) interview employees and other witnesses;

(d) contact the Oneida Police Department or any other appropriate law enforcement agency when necessary;

(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

(g) 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.

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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.

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.

[Type here]

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

Adopted – BC-06-28-17-E



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
 Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: November 12, 2025
- 2) Contact Person(s): Clorissa N. Leeman
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: K. Schultz - General Welfare Assistance Payment to Membership #2025-03
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 12/12/25 OBC acknowledged receipt of the petition & directed the
Legislative Reference Offices to complete a SOE to be submitted no later
than January 6, 2026 for the January 14, 2026, regular OBC meeting
agenda.

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

- | | |
|----------|----------|
| 1) _____ | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☒ Yes ☐ No

If yes, please indicate why:

Petitions are required to be presented to the GTC within 180 days.

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

Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
 Date: 2025.11.26 15:35:20 -06'00'

Please send this form and all supporting materials to:

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



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
 Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: November 26, 2025
- 2) Contact Person(s): Clorissa N. Leeman
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Plastic-Free Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 6/1/25 GTC directed the OBC to forward this referendum question,
Should the Nation develop a plastic-free policy and practice to strengthen
efforts toward caring for our environment and waters?, to LOC for review
and possible drafting of a law to implement the policy.

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

- | | |
|---------------------------------------|----------|
| 1) <u>6/11/25 Memo from Secretary</u> | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☐ Yes ☒ No
 If yes, please indicate why:

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

Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
 Date: 2025.11.26 15:35:20 -06'00'

Please send this form and all supporting materials to:

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



Memorandum

To: Legislative Operating Committee

Cc: Clorissa Leeman, Sr. Staff Attorney

From: Lisa Liggins, Secretary on behalf of the OBC *Lisa Liggins*

Date: June 11, 2025

Re: Draft Minutes – June 1, 2025, special GTC meeting

Background

A duly called and noticed special General Tribal Council (GTC) meeting was held on June 1, 2025. Draft GTC meeting minutes have been prepared and are attached; they have been reviewed and accepted as information only by the Oneida Business Committee (OBC).

Requested Action

Please review the attach minutes and complete the necessary follow up related to the directives related to your area:

- Referendum Question - *Should the Oneida Nation develop a plastic-free policy and practice to strengthen efforts toward caring for our environment and waters?*
 - GTC Motion - To direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation
- Referendum Question - *Would you support widespread, long-range Oneida language initiative?*
 - GTC Motion - To accept as information and to direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation

In the annual report, a *GTC Directives Report* is provided to GTC; a request will be submitted to you in the fall of 2025 to provide a status update on these directives to be included in the annual report.

Transcription of the meeting is pending and will be included when the draft minutes are submitted to GTC for approval. If you'd like a copy of the updated draft minutes once the transcript is complete, please contact Secretary Lisa Liggins, at lliggins@oneidanation.org or 920-869-4421.

If you'd like to review the audio recording from the meeting, please contact Martin Prevost, Sr. Records Tech, at records_management@oneidanation.org or 920-869-4402.

If you have questions or concerns, please contact Secretary Lisa Liggins, at lliggins@oneidanation.org or 920-869-4421.

DRAFT



General Tribal Council

Special Meeting
2:00 p.m., Sunday, June 1, 2025
Oneida Hotel

Minutes

The General Tribal Council of the Oneida Nation met Sunday, June 1, 2025, at a duly called meeting with 1601 registered tribal members in attendance.

ONEIDA BUSINESS COMMITTEE ATTENDANCE:

Present: Vice-Chairman Brandon Yellowbird-Stevens, Treasurer Lawrence Barton, Secretary Lisa Liggins, Council members: Jonas Hill, Kirby Metoxen, Jennifer Webster, Jameson Wilson;

Not Present: Chairman Tehassi Hill, Councilman Marlon Skenandore

I. WELCOME (00:00:0x)

Connor Kestell brought in the colors. The colors were retired. Councilman Jameson Wilson provided the opening.

II. ANNOUNCEMENTS & CALL MEETING TO ORDER (00:xx:xx)

Vice-Chairman Brandon Yellowbird-Stevens called the meeting to order at 2:00 p.m.

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III. ADOPT THE AGENDA (00:xx:xx)

Motion by Ethel Marie Cornelius to adopt the agenda with the following changes: remove B.2. Should the Oneida Constitution be amended to include educational requirements for BC Officer Positions?, D.1 Should the Tribe eliminate all tribal minimum wage loophole?, and D.5 Should the Oneida Security Department report to the Oneida Chief of Police; item B.3. addressed after item A.; and item C.1 addressed after B.3.; as amended. Seconded by Pat Cornelius. **Motion carried by show of hands**

Amendment to the main motion by Madelyn Genskow to not address this agenda until after the Federal Budget has been passed. **Motion failed for lack of support**

Amendment to the main motion by Lori Elm to accept the agenda as information and request the Oneida Business Committee to carry out all the conclusions included in the legal analyses. Seconded by Linda Dallas. **Motion ruled out of order by Vice-Chairman Brandon Yellowbird-Stevens; the amendment proposes to take action on items on an agenda that has not been adopted**

Amendment to the main motion by Cathy L. Metoxen to adopt the agenda as is and adjourn in four (4) hours and to be continued on another date within 90 days. Seconded by Travis Wallenfang. **Motion carried by show of hands**

IV. NEW BUSINESS

A. Presentation regarding the Referendum Process and Goals for Today

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

B. Referendum Questions – Constitutional

1. Should the number of required signatures to petition the GTC to meet on an issue be increased due to the number attending GTC?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Linda Dallas to accept this referendum question as information only and to direct no further action. Seconded by Cathy L. Metoxen. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

2. Should the Oneida Constitution be amended to include educational requirements for BC Officer positions?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Bailey Denny to accept the referendum as information. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

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3. Would you support Comprehensive Constitutional Reform that reflects who we are as On̓yoteʔa·ká (People of the Standing Stone – Oneida)?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Linda Dallas to accept as information and direct the Business Committee to bring a more detailed and clearer picture of what a Comprehensive Constitutional Reform would look like that reflects who we are as On̓yoteʔa·ká (People of the Standing Stone – Oneida Wisconsin) within 90 days. Seconded by Madelyn Genskow. **Motion ruled out of order by Vice-Chairman Brandon Yellowbird-Stevens; a more detailed and clearer picture cannot be developed in 90 days since the concept presented by referendum question does not identify any specific directive**

Motion by Sherrole Benton to accept as information and direct the BC to engage with the community on how this can be implemented as an education/certification program. Seconded by Alan King. **Motion ruled out of order by Vice-Chairman Brandon Yellowbird-Stevens; motion changes intent of the referendum question into a topic not noticed in accordance with the Oneida General Tribal Council Ten Day Notice Policy**

Motion by Lori Elm to accept as information and to direct the Oneida Business Committee to develop community meetings and other information gathering to identify need, impact, and legal and political benefits and risks for consideration by the General Tribal Council and to report out on this project at the Annual General Tribal Council meeting until a determination is made to not make any changes, consider a constitutional amendment, or develop an alternate plan for constitutional reform. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

C. Referendum Questions – Policy Issues

1. Cultural Related Re-Entering Program – Develop and implement a humanity law and include cultural behavioral health program, with lived experience personal and implement with the FY2024 Budget.

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Bailey Denny to direct the Business Committee to bring back a plan, and fiscal analysis, which defines programming scope and implements a cultural related re-entering program to include a need-based assessment. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

2. Should the Tribe have a camera on the ballot box on election day?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Marena Bridges to reject this referendum question and accept as information. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

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3. Should the Oneida Nation develop a plastic-free policy and practice to strengthen efforts toward caring for our environment and waters?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Sherrole Benton to direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation. Seconded by Gerald Doxtator. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

D. Referendum Questions – Employment Related

1. Should the Tribe eliminate all tribal minimum wage loopholes? Make minimum wage mean two things, minimum (lowest amount possible) and wage (amount employer pays employee)?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Madelyn Genskow to accept this referendum question as information. Seconded by Lisa Liggins. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

2. Should the Tribal Chief Counsel position be an elected position?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Lori Elm to accept [the referendum question] as information and reject. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

3. Should the Tribal Chief Counsel position report to the GTC?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Sherrole Benton to accept the referendum question as information and reject. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

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4. Should the Oneida Personnel Commission be an elected position?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Cathy L. Metoxen to direct the Business Committee to amend the Oneida Personnel Commission By-laws to make the Oneida Personnel Commission positions elected. Seconded by Sherrole Benton. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

Amendment to the main motion by Linda Dallas to make this effective for the Oneida tri-annual election to be held in 2026. Seconded by Cathy L. Metoxen. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

5. Should the Oneida Security Department report to the Oneida Chief of Police?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Sherrole Benton to accept the referendum and request the Legislative Operating Committee to complete the development of its proposal. Seconded by Tony Metoxen. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

E. Referendum Questions – Programming Issue

1. Would you support widespread, long-range Oneida language initiative?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Nancy Barton to deny the long-range Oneida Language initiative. Seconded by Madelyn Genskow. **Vote on the call for the question ends discussion by show of hands Motion failed by show of hands**

Motion by Lori Elm to accept as information and to direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

DRAFT**V. ADJOURN (##:##:##)**

Motion by Lori Elm to adjourn at 4:24 p.m. Seconded by Lisa Liggins. **Motion carried by voice vote**

MEETING TRANSCRIPT**I. WELCOME (00:00:01)**

Costs associated with the 06/01/25 meeting						
Printing	Mailing	Security	Room Rental & A/V	Stipends/ Gift Cards	Transcription Services	TOTAL
\$	\$	\$	\$	\$	\$	\$

Minutes prepared by Secretary Lisa Liggins, Oneida Business Committee
 Meeting Transcript prepared by Paulette Binion, The Binion Group LLC
 Minutes approved as presented to GTC on _____.

 Lisa Liggins, Secretary
 ONEIDA BUSINESS COMMITTEE



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
 Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: November 26, 2025
- 2) Contact Person(s): Clorissa N. Leeman
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Oneida Language Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 6/1/25 GTC directed the OBC to forward this referendum question,
Would you support widespread, long-range Oneida language initiative?,
to LOC for review and possible drafting of a law to implement the policy.
—
—

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

- | | |
|---------------------------------------|----------|
| 1) <u>6/11/25 Memo from Secretary</u> | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☐ Yes ☒ No
 If yes, please indicate why:

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

Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
 Date: 2025.11.26 15:35:20 -06'00'

Please send this form and all supporting materials to:

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



Memorandum

To: Legislative Operating Committee

Cc: Clorissa Leeman, Sr. Staff Attorney

From: Lisa Liggins, Secretary on behalf of the OBC *Lisa Liggins*

Date: June 11, 2025

Re: Draft Minutes – June 1, 2025, special GTC meeting

Background

A duly called and noticed special General Tribal Council (GTC) meeting was held on June 1, 2025. Draft GTC meeting minutes have been prepared and are attached; they have been reviewed and accepted as information only by the Oneida Business Committee (OBC).

Requested Action

Please review the attach minutes and complete the necessary follow up related to the directives related to your area:

- Referendum Question - *Should the Oneida Nation develop a plastic-free policy and practice to strengthen efforts toward caring for our environment and waters?*
 - GTC Motion - To direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation
- Referendum Question - *Would you support widespread, long-range Oneida language initiative?*
 - GTC Motion - To accept as information and to direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation

In the annual report, a *GTC Directives Report* is provided to GTC; a request will be submitted to you in the fall of 2025 to provide a status update on these directives to be included in the annual report.

Transcription of the meeting is pending and will be included when the draft minutes are submitted to GTC for approval. If you'd like a copy of the updated draft minutes once the transcript is complete, please contact Secretary Lisa Liggins, at lliggins@oneidanation.org or 920-869-4421.

If you'd like to review the audio recording from the meeting, please contact Martin Prevost, Sr. Records Tech, at records_management@oneidanation.org or 920-869-4402.

If you have questions or concerns, please contact Secretary Lisa Liggins, at lliggins@oneidanation.org or 920-869-4421.

DRAFT



General Tribal Council

Special Meeting
2:00 p.m., Sunday, June 1, 2025
Oneida Hotel

Minutes

The General Tribal Council of the Oneida Nation met Sunday, June 1, 2025, at a duly called meeting with 1601 registered tribal members in attendance.

ONEIDA BUSINESS COMMITTEE ATTENDANCE:

Present: Vice-Chairman Brandon Yellowbird-Stevens, Treasurer Lawrence Barton, Secretary Lisa Liggins, Council members: Jonas Hill, Kirby Metoxen, Jennifer Webster, Jameson Wilson;

Not Present: Chairman Tehassi Hill, Councilman Marlon Skenandore

I. WELCOME (00:00:0x)

Connor Kestell brought in the colors. The colors were retired. Councilman Jameson Wilson provided the opening.

II. ANNOUNCEMENTS & CALL MEETING TO ORDER (00:xx:xx)

Vice-Chairman Brandon Yellowbird-Stevens called the meeting to order at 2:00 p.m.

DRAFT

III. ADOPT THE AGENDA (00:xx:xx)

Motion by Ethel Marie Cornelius to adopt the agenda with the following changes: remove B.2. Should the Oneida Constitution be amended to include educational requirements for BC Officer Positions?, D.1 Should the Tribe eliminate all tribal minimum wage loophole?, and D.5 Should the Oneida Security Department report to the Oneida Chief of Police; item B.3. addressed after item A.; and item C.1 addressed after B.3.; as amended. Seconded by Pat Cornelius. **Motion carried by show of hands**

Amendment to the main motion by Madelyn Genskow to not address this agenda until after the Federal Budget has been passed. **Motion failed for lack of support**

Amendment to the main motion by Lori Elm to accept the agenda as information and request the Oneida Business Committee to carry out all the conclusions included in the legal analyses. Seconded by Linda Dallas. **Motion ruled out of order by Vice-Chairman Brandon Yellowbird-Stevens; the amendment proposes to take action on items on an agenda that has not been adopted**

Amendment to the main motion by Cathy L. Metoxen to adopt the agenda as is and adjourn in four (4) hours and to be continued on another date within 90 days. Seconded by Travis Wallenfang. **Motion carried by show of hands**

IV. NEW BUSINESS

A. Presentation regarding the Referendum Process and Goals for Today

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

B. Referendum Questions – Constitutional

1. Should the number of required signatures to petition the GTC to meet on an issue be increased due to the number attending GTC?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Linda Dallas to accept this referendum question as information only and to direct no further action. Seconded by Cathy L. Metoxen. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

2. Should the Oneida Constitution be amended to include educational requirements for BC Officer positions?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Bailey Denny to accept the referendum as information. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

DRAFT

3. Would you support Comprehensive Constitutional Reform that reflects who we are as Onʎyoteʔa·ká (People of the Standing Stone – Oneida)?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Linda Dallas to accept as information and direct the Business Committee to bring a more detailed and clearer picture of what a Comprehensive Constitutional Reform would look like that reflects who we are as Onʎyoteʔa·ká (People of the Standing Stone – Oneida Wisconsin) within 90 days. Seconded by Madelyn Genskow. **Motion ruled out of order by Vice-Chairman Brandon Yellowbird-Stevens; a more detailed and clearer picture cannot be developed in 90 days since the concept presented by referendum question does not identify any specific directive**

Motion by Sherrole Benton to accept as information and direct the BC to engage with the community on how this can be implemented as an education/certification program. Seconded by Alan King. **Motion ruled out of order by Vice-Chairman Brandon Yellowbird-Stevens; motion changes intent of the referendum question into a topic not noticed in accordance with the Oneida General Tribal Council Ten Day Notice Policy**

Motion by Lori Elm to accept as information and to direct the Oneida Business Committee to develop community meetings and other information gathering to identify need, impact, and legal and political benefits and risks for consideration by the General Tribal Council and to report out on this project at the Annual General Tribal Council meeting until a determination is made to not make any changes, consider a constitutional amendment, or develop an alternate plan for constitutional reform. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

C. Referendum Questions – Policy Issues

1. Cultural Related Re-Entering Program – Develop and implement a humanity law and include cultural behavioral health program, with lived experience personal and implement with the FY2024 Budget.

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Bailey Denny to direct the Business Committee to bring back a plan, and fiscal analysis, which defines programming scope and implements a cultural related re-entering program to include a need-based assessment. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

2. Should the Tribe have a camera on the ballot box on election day?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Marena Bridges to reject this referendum question and accept as information. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

DRAFT

3. Should the Oneida Nation develop a plastic-free policy and practice to strengthen efforts toward caring for our environment and waters?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Sherrole Benton to direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation. Seconded by Gerald Doxtator. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

D. Referendum Questions – Employment Related

1. Should the Tribe eliminate all tribal minimum wage loopholes? Make minimum wage mean two things, minimum (lowest amount possible) and wage (amount employer pays employee)?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Madelyn Genskow to accept this referendum question as information. Seconded by Lisa Liggins. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

2. Should the Tribal Chief Counsel position be an elected position?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Lori Elm to accept [the referendum question] as information and reject. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

3. Should the Tribal Chief Counsel position report to the GTC?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Sherrole Benton to accept the referendum question as information and reject. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

DRAFT

4. Should the Oneida Personnel Commission be an elected position?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Cathy L. Metoxen to direct the Business Committee to amend the Oneida Personnel Commission By-laws to make the Oneida Personnel Commission positions elected. Seconded by Sherrole Benton. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

Amendment to the main motion by Linda Dallas to make this effective for the Oneida tri-annual election to be held in 2026. Seconded by Cathy L. Metoxen. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

5. Should the Oneida Security Department report to the Oneida Chief of Police?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Sherrole Benton to accept the referendum and request the Legislative Operating Committee to complete the development of its proposal. Seconded by Tony Metoxen. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

E. Referendum Questions – Programming Issue

1. Would you support widespread, long-range Oneida language initiative?

PowerPoint presentation provided by Secretary Lisa Liggins on behalf of the Oneida Business Committee.

Motion by Nancy Barton to deny the long-range Oneida Language initiative. Seconded by Madelyn Genskow. **Vote on the call for the question ends discussion by show of hands Motion failed by show of hands**

Motion by Lori Elm to accept as information and to direct the Oneida Business Committee to forward this referendum question to the Legislative Operating Committee for further study, review, public comment, and possible drafting of a law to implement the policy if it fits the goals and needs of the Oneida Nation. Seconded by Ethel Marie Cornelius. **Vote on the call for the question ends discussion by show of hands Motion carried by show of hands**

DRAFT**V. ADJOURN (##:##:##)**

Motion by Lori Elm to adjourn at 4:24 p.m. Seconded by Lisa Liggins. **Motion carried by voice vote**

MEETING TRANSCRIPT**I. WELCOME (00:00:01)**

Costs associated with the 06/01/25 meeting						
Printing	Mailing	Security	Room Rental & A/V	Stipends/ Gift Cards	Transcription Services	TOTAL
\$	\$	\$	\$	\$	\$	\$

Minutes prepared by Secretary Lisa Liggins, Oneida Business Committee
 Meeting Transcript prepared by Paulette Binion, The Binion Group LLC
 Minutes approved as presented to GTC on _____.

 Lisa Liggins, Secretary
 ONEIDA BUSINESS COMMITTEE

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: October 21, 2025
- 2) Contact Person(s): Larry Barton Dept: OBC
Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: Time and Attendance Law for Elected Officials
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Development of a Time & Attendance Law applicable to Elected Officials

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

- | | |
|----------------------|----------|
| 1) <u>Memorandum</u> | 3) _____ |
| 2) _____ | 4) _____ |

- 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:

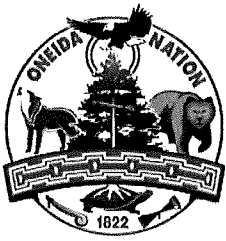
- 7) Do you consider this request urgent? ☐ Yes ☒ No
If yes, please indicate why: _____

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

Signature of Requester: 

Please send this form and all supporting materials to:

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



Memorandum

To: Legislative Operating Committee
From: Larry Barton, Treasurer
Date: October 21, 2025
Re: Time and Attendance Law for Elected Officials

I would like LOC to develop a Time & Attendance Law applicable to elected officials.

Thank you.

December 2025

December 2025

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January 2026

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Dec 1 1:00pm Elder Protection Law (Microsoft Teams Meeting) - Grace L. Elliott 3:00pm UCC/Secured Transactions (Microsoft Teams Meeting) - Grace L. Elliott	2	3 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	4	5
8	9	10	11	12
15 9:00am Conflict of Interest amendments - work meeting (Microsoft Teams Meeting; BC_Conf_Room) - Carolyn A. Salutz	16	17 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	18	19
22 3:00pm UCC/Secured Transactions (Microsoft Teams Meeting) - Grace L. Elliott	23	24	25	26
29	30	31	Jan 1, 26	2