



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
June 17, 2026  
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
  
- II. Minutes to be Approved**
  - 1. June 3, 2026 LOC Meeting Minutes (pg. 2)
  
- III. Current Business**
  - 1. Vendor Licensing Law Amendments (pg. 4)
  - 2. Code of Ethics Amendments (pg. 27)
  - 3. Elder Protection Law (pg. 44)
  
- IV. New Submissions**
  - 1. Whistleblower Protection Law Amendments (pg. 80)
  
- 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  
 June 03, 2026  
 9:00 a.m.

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

**Excused:** Kirby Metoxen

**Unexcused:** Marlon Skenandore

**Others Present:** Clorissa Leeman, Grace Elliott, Carolyn Salutz, Martin Prevost, Elvis Watkin, Jesse Kujawa.

**Others Present on Microsoft Teams:** Isaiah Skenandore, Terri Schiltz, Sarah Miller, Rae Skenandore, Rhiannon Metoxen, Kristal Hill, Tavia James-Charles, Fawn Cottrell, Melissa Alvarado, Sarah White, Fawn Billie, David Jordan, Justin Nishimoto, Janice Decorah, Eric Boulanger, Katsitsiyu Danforth, Shannon Stone, Efren Rivera.

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

Kirby Metoxen called the June 03, 2026, Legislative Operating Committee meeting to order at 9:00 a.m.

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

**II. Minutes to be Approved**

**1. May 20, 2026 LOC Meeting Minutes**

Motion by Jonas Hill to approve the May 20, 2026, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

**III. Current Business**

**1. Pardon and Forgiveness Law Amendments.** Motion by Jonas Hill to approve the public comment review memorandum, updated legislative analysis, and final draft of the proposed amendments to the Pardon and Forgiveness law, seconded by Jennifer Webster; motion carried unanimously.

Motion by Jonas Hill to approve the fiscal impact statement request memorandum and direct the Finance Department to provide the LOC with a fiscal impact statement of the proposed Pardon and Forgiveness law by June 25, 2026, seconded by Jennifer Webster; motion carried unanimously.

**IV. New Submissions**

**1. Petition: G. Powless-Buenrostro – Amend the Judiciary Law #2026-01** Motion by Jennifer Webster to Add the Petition: G. Powless-Buenrostro, Amend the Judiciary Law #2026-01 to the Active Files List with Jameson Wilson as the sponsor, seconded by Jonas Hill; motion carried unanimously.

**V. Additions****VI. Administrative Updates**

**1. Certification of the Technology Resources Law Rules.** Motion by Jennifer Webster to Deny the certification of Technology Resources Law Rule No. 1, No. 2, No. 3, No. 4, No. 8, No. 9., seconded by Jonas Hill; motion carried unanimously.

**VII. Executive Session****VIII. Adjourn**

Motion by Jennifer Webster to adjourn at 09:17 a.m.; seconded by Jonas Hill. Motion carried unanimously.



Legislative Operating Committee  
June 17, 2026

# Vendor Licensing Law Amendments

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

**Summary:** *This item was added to the Active Files List on June 19, 2024, at the request of Ralinda Ninham-Lamberies, the Chief Financial Officer. Amendments are being sought to update the law, specifically sections 506.1-1, 506.6, and 506.8.*

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

**10/23/24:** *Work Meeting.* Present: Tonya Webster, Ralinda Ninham-Lamberies, Sarah White, Jason Doxtator, Beth Schirck Smith, Lisa Moore, Linda Dallas, Jameson Wilson, Marlon Skenandore, Jennifer Webster, Maureen Perkins, Kristal Hill, Clorissa Leeman, Carolyn Salutz. The purpose of this work meeting was to begin reviewing the law – we started the meeting by reading the law line-by-line. Suggestions were discussed on just about every section of the law; suggestions included: updating purpose to remove ‘revenue’, currently, not all vendors are licensed, there was a lot of discussion on the license fee (get rid of it, increase it, tier it), revocation for noncompliance with insurance (perhaps they should be given an opportunity to cure), timeline for processing licenses should be increased from 10 to 20 days, should get rid of ‘public inspection’, should there be rulemaking, how often should vendor renew license.

**3/3/25:** *Work Meeting.* Present: Tonya Webster, Ralinda Ninham-Lamberies, Sarah White, Beth Schirck Smith, Linda Dallas, Kong Meng Moua, Olivia Danforth, Jameson Wilson, Jonas Hill, Kirby Metoxen, Kristal Hill. The purpose of this meeting was to review the newest suggested amendments. We did a read through and then focused on specific questions. A lot of the discussion was about insurance coverage, how it’s monitored, who’s responsible for it, what happens when a vendor loses insurance, does loss of insurance mean the vendor license can be revoked.

**7/14/25:** *Work Meeting.* Present: Tonya Webster, Ralinda Ninham-Lamberies, Sarah White, Beth Schirck Smith, Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby Metoxen, Carolyn Salutz, Fawn Cottrell, Fawn Billie, Kristal Hill. The purpose of this work meeting was to review the newest amendments.

**7/22/25:** *Work Meeting.* Present: Shane Hill, Jason Doxtator, Carolyn Salutz. The purpose of this work meeting was for DTS to share suggested definitions and ensure the law accurately reflects what DTS does do, and needs to do, for vendor licensing.

- 8/19/25:** *Work Meeting.* Present: Tonya Webster, Ralinda Ninham-Lamberies, Sarah White, Beth Schirck Smith, Olivia Danforth, Jason Doxtator, Shane Hill, Jameson Wilson, Jonas Hill, Marlon Skenandore, Kristal Hill, Fawn Billie, Fawn Cottrell, Rhiannon Metoxen, Carolyn Salutz. The purpose of this work meeting was to review the newest amendments.
- 9/2/25:** *Work Meeting.* Present: Olivia Danforth, Tonya Webster, Krystal John, Sarah White, Carolyn Salutz. The purpose of this work meeting was for Licensing and the law office to review how they want to handle probation/revocation/disbarment.
- 10/6/25:** *Work Meeting.* Present: Tonya Webster, Olivia Danforth, Sarah White, Beth Schirck Smith, Ralinda Ninham-Lamberies, Jason Doxtator, Shane Hill, Jameson Wilson, Jonas Hill, Jennifer Webster, Fawn Cottrell, Kristal Hill. The purpose of this meeting was for the group to review the newest amendments. The group reviewed new definitions and the newest changes to the application, renewal, and maintenance sections, with the changes made since meeting with Licensing and the law office on 9/2.
- 1/22/26:** *Work Meeting.* Present: Kirby Metoxen, Beth Schirck-Smith, Heidi Janowski, Jason Doxtator, Sarah White, Grace Elliott, Olivia Danforth, Stephanie Metoxen, Jameson Wilson, Fawn Cottrell, Fawn Billie, Ralinda Ninham-Lamberies. The purpose of this work meeting was for the group to review the newest amendments. The group discussed exemptions and deferments, rulemaking authority that could be given to the Licensing Department regarding exemptions and deferments, approval or denial of licenses, pardon and forgiveness. The group also discussed if we could amend Revocation to include one step up (to probation) if the vendor is complying with Licensing. The group also discussed pardon and forgiveness regarding a debarred vendor's ability to reapply for a vendor license and do business with the Nation as a vendor. The timeframe of ten years was discussed: it is just a suggestion. No decision was made.
- 3/16/16:** *Work Meeting.* Present: Sarah White, Tonya Webster, Ralinda Ninham-Lamberies, Krystal John. The purpose of this work meeting was to review the newest amendments. The work group spent the most time discussing the section on deactivation, probation, revocation, debarment and how to better distinguish each.
- 3/30/26:** *Work Meeting.* Present: Sarah White, Tonya Webster, Krystal John, Heidi Janowski, Isaiah Skenandore, Olivia Danforth, Beth Schirck-Smith, Fawn Billie. The purpose of this work meeting was to review licensing's procedures; specifically, two sections of the amendments to make sure they're on track. Group spent the most time discussing how the Nation can communicate vendor statuses and probation/revocation. Perhaps a vendor should be permanently revoked and we shouldn't have a separate category of debarment. The Nation probably wants some parameters in the law as to what will constitute reasons for permanent revocation.
- 4/14/26:** *Work Meeting.* Present: Tonya Webster, Krystal John, Heidi Janowski, Olivia Danforth, Beth Schirck-Smith, Leyne Orosco, Fawn Cottrell, Carolyn Salutz. The purpose of this work meeting was to review three sections, the definitions, new application procedures, and deactivation, or revocation. The group decided on a new definition, all new vendors do complete a technology screening from DTS, and language needs to be edited regarding potential revocation. Krystal offered to help with new language. Before meeting with the LOC, Krystal will provide suggested language.
- 6/2/26:** *Work Meeting.* Present: Tonya Webster, Krystal John, Heidi Janowski, Olivia Danforth, Beth Schirck-Smith, Leyne Orosco, Kristal Hill, Carolyn Salutz. The purpose of this work meeting was to review the newest draft, which included suggestions and comments from Krystal. The group is satisfied with the amendments. There are a few minor changes to

make (formatting, definitions) otherwise draft is approved by the work group. After the last, minor changes are made, the amendments will be ready for LOC approval.

**6/3/26:**

*Work session.* Present: Jonas Hill, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Carolyn Salutz. The purpose of this work session was for the LOC to read through the draft approved by the work group yesterday and approve. The group did a read through and approved the amendments.

**Next Steps:**

- Accept the draft, Legislative Analysis, and public meeting packet. Direct a public meeting to be noticed and scheduled to be held on August 13, 2026, with a public comment period open until August 20, 2026.

**ONEIDA NATION PUBLIC MEETING NOTICE****August 13, 2026, 12:15 pm****Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin****Find Public Meeting Materials at**

Oneida-nsn.gov/government/register/public meetings

**Send Public Comments to**

LOC@oneidation.org

**Ask Questions here**

LOC@oneidation.org

920-869-4417

**VENDOR LICENSING LAW AMENDMENTS**

The purpose of the Vendor Licensing law is to regulate and license vendors who provide goods or services for, and do business with, the Nation and ensure the Nation's safety, regulate compliance, minimize risk, and protect the Nation's assets.

**The Vendor Licensing law amendments will:**

- ◆ Clarify it is the purpose of the law to regulate and license vendors who provide goods or services to the Nation and ensure the Nation's safety, regulate compliance, minimize risk, and protect the Nation's assets; it is no longer the purpose of this law to provide revenue for the Nation by collecting fees from vendors. [5 O.C. 506.1-1].
- ◆ Clarify it is the policy of the Nation to establish a fair system for implementing and enforcing the requirements to maintain a vendor license. [5 O.C. 506.1-2].
- ◆ Clarify in the definitions the following terms: "business entity," "certificate of insurance," "CSRA," "deactivate," "DTS," "financial information," "goods," "great harm," "licensing," "notice," "service," and "technology assessment." [5 O.C. 506.3-1(b); (c); (d); (e); (f); (g); (h); (i); (l); (n); (p); (q)].
- ◆ Clarify that any record request related to vendor licensing is subject to applicable laws and rules of the Nation. [5 O.C. 506.4-2].
- ◆ Clarify that in addition to services or goods provided by another federally recognized tribe or by another government, other vendors, as identified by Licensing through standard operating procedures and published on the Nation's website, may be exempt from licensure [5 O.C. 506.4-3].
- ◆ Clarify the requirements to complete an application for a vendor license. [5 O.C. 506.5-1].
- ◆ Clarify the requirement for all applicants to submit and complete a technology risk assessment and any follow-ups or additional assessments as determined by the Nation's Digital Technology Services Department. [5 O.C. 5-6.5-2].
- ◆ Clarify that before a vendor performs any work the vendor must demonstrate appropriate and adequate insurance coverage. [5 O.C. 506.5-4].
- ◆ Clarify the Nation's Risk Management Department is responsible for determining what constitutes appropriate and adequate insurance coverage for varying types of goods and services and making those requirements available on the Nation's website. [5 O.C. 506.5-4(a)].
- ◆ Clarify the annual and triennial requirements to maintain a vendor license. [5 O.C. 506.6].
- ◆ Various grammatical changes and other minor changes throughout the law.



Individuals may attend the public meeting for the proposed Solid Waste Disposal law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact [LOC@oneidation.org](mailto:LOC@oneidation.org).

**PUBLIC COMMENT PERIOD CLOSING DATE**

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



## VENDOR LICENSING LAW AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Legislation or Amendments</b>	<ul style="list-style-type: none"> <li>▪ Clarify it is the purpose of the law to regulate vendors who provide goods or services to the Nation and ensure the Nation’s safety, regulate compliance, minimize risk, and protect the Nation’s assets; it is no longer the purpose of this law to provide revenue for the Nation by collecting fees from vendors. [5 O.C. 506.1-1].</li> <li>▪ Clarify it is the policy of the Nation to establish a fair system for implementing and enforcing the requirements for maintain a vendor license. [5 O.C. 506.1-2].</li> <li>▪ Clarify in the definitions the following terms: “business entity,” “certificate of insurance,” “CSRA,” “deactivate,” “DTS,” “financial information,” “goods,” “great harm,” “licensing,” “notice,” “service,” and “technology assessment.” [5 O.C. 506.3-1(b); (c); (d);(e); (f); (g); (h); (i); (l); (n); (p); (q)].</li> <li>▪ Clarify that any record request related to vendor licensing is subject to applicable laws and rules of the Nation. [5 O.C. 506.4-2].</li> <li>▪ Clarify that in addition to services or goods provided by another federally recognized tribe or by another government, other vendors as identified by Licensing through standard operating procedures and published on the Nation’s website may be exempt from licensure [5 O.C. 506.4-3].</li> <li>▪ Clarify the requirements to complete an application. [5 O.C. 506.5-1].</li> <li>▪ Clarify the requirement for all applicants to submit and complete screening questions and any follow-ups or additional assessments as determined by the Nation’s Digital Technology Services Department. [5 O.C. 5-6.5-2].</li> <li>▪ Clarify that before a vendor performs any work the vendor must demonstrate appropriate and adequate insurance coverage. [5 O.C. 506.5-4].</li> <li>▪ Clarify the Nation’s Risk Management Department is responsible for determining what constitutes appropriate and adequate insurance coverage for varying types of goods and services and making those requirements available on the Nation’s website. [5 O.C. 506.5-4(a)].</li> <li>▪ Clarify the annual and triennial requirements to maintain a vendor license. [5 O.C. 506.6].</li> <li>▪ Clarify what it means to have a vendor license be deactivated or revoked. [5 O.C. 506.7].</li> <li>▪ Various grammatical changes and other minor changes throughout the law.</li> </ul>
<b>Purpose</b>	The purpose of this law is to regulate and license all vendors who provide goods or services for and do business with the Oneida Nation and ensure the Nation’s safety,

	regulate compliance, minimize risk, and protect the Nation’s assets. [5 O.C. 506.1-1].
<b>Affected Entities</b>	The Oneida Nation Licensing Department (“Licensing”), the Oneida Nation Finance Administration (“Finance”), the Oneida Nation Purchasing Department (“Purchasing”), the Oneida Nation Law Office, the Oneida Nation Digital Technology Services Department (“DTS”), the Oneida Nation Risk Management Department (“Risk Management”), and any present or future vendor.
<b>Enforcement</b>	<p>The Vendor Licensing law clarifies the authority of Licensing to administer certain provisions of the law. [5 O.C. 506.4]; [5 O.C. 506.5-5]; [5 O.C. 506.6]; [5 O.C. 506.7]. This includes the authority to:</p> <ul style="list-style-type: none"> <li>• identify vendors who are exempt from licensing requirements [5 O.C. 506.4-3];</li> <li>• promulgate rules to establish additional criteria for the approval and maintenance of a vendor license [5 O.C 506.4-4];</li> <li>• notify all applicants of the requirements of this law [5 O.C 506.5-1];</li> <li>• approve or deny applications based on the requirements and criteria of this law [5 O.C 506.5-3];</li> <li>• notify applicants of the approval or denial of their application for a vendor license [5 O.C. 506.6-5];</li> <li>• maintain a record of licenses issued [5 O.C. 506.5-5]; and</li> <li>• deactivate or revoke a vendor license. [5 O.C 506.7].</li> </ul> <p>The Vendor Licensing law clarifies the authority of DTS to screen all vendors using a technology assessment and to require the vendor complete an additional technology assessment, CSRA or both if it determines additional screening is necessary. [5 O.C 506.5-2].</p> <p>The Vendor Licensing law clarifies the authority of Risk Management to determine what constitutes appropriate and adequate insurance coverage and to make those requirements available on the Nation’s website. [5 O.C 506.4].</p>
<b>Due Process</b>	<p>Licensing may promulgate rules establishing additional criteria for the approval and maintenance of a vendor license. [5 O.C. 506.4-4]. Any rule Licensing wishes to adopt must follow the rule making requirements of the Nation’s Administrative Rulemaking law which requires a public meeting and opportunity for public input. [1 O.C. 106.6].</p> <p>Risk Management shall publish on the Nation’s website appropriate and adequate insurance requirements. [5 O.C. 506.5-4(a)].</p> <p>Licensing shall notify an applicant of the approval or denial of their application within twenty (20) business days. [5 O.C. 506.6-5].</p>

	<p>If Licensing decides to revoke a vendor, it must send notice to the vendor containing the effective date and duration of revocation and the reason(s) for revocation. [5 O.C. 506.7-2(c)].</p> <p>“Notice” means a communication from the Licensing Department to a vendor. [5 O.C. 506.3-1(n)]. To communicate the renewal and maintenance of a vendor license, the Licensing Department will send notice by email or regular mail; to communicate the loss of licensure, the Licensing Department will send notice by certified mail. [Id].</p> <p>The Judiciary is granted jurisdiction to hear complaints filed regarding actions taken by Licensing pursuant to this law. [5 O.C 506.8-1].</p>
<b>Public Meeting</b>	A public meeting will be scheduled to be held on August 13, 2026.
<b>Fiscal Impact</b>	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not been requested.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

- 2 A. **Background.** The Vendor Licensing law was originally adopted by the Oneida Business Committee on  
 3 February 19, 1992, through resolution BC-2-19-92-C. The law was subsequently amended by the  
 4 Oneida Business Committee on March 5, 1997, through resolution BC-3-5-97-E, on February 25, 2015,  
 5 through resolution BC-02-25-2015-C, and on October 10, 2016, through resolution BC-10-12-16-E.  
 6 The Vendor Licensing law provides guidelines for the regulation and licensing of vendors who do  
 7 business with the Nation. [5 O.C. 506.1].
- 8 B. **Request for Amendments.** This item was added to the Active Files List on June 19, 2024, at the request  
 9 of Ralinda Ninham-Lamberies, the Chief Financial Officer. Amendments are being sought to update  
 10 the law, specifically sections 506.1-1. 506.6, and 506.8. The sponsor of the Vendor Licensing law  
 11 amendments is Councilman Jonas Hill.

12  
 13 **SECTION 3. CONSULTATION AND OUTREACH**

- 14 ■ Representatives from the following departments or entities participated in the development of the  
 15 amendments to this Law and legislative analysis:
- 16 ■ Oneida Nation Licensing Department (“Licensing”);
  - 17 ■ Oneida Nation Purchasing Department (“Purchasing”);
  - 18 ■ Oneida Nation Finance Administration (“Finance”);
  - 19 ■ Oneida Nation Digital Technology Services Department (“DTS”);
  - 20 ■ Oneida Nation Risk Management Department (“Risk Management”) and
  - 21 ■ Oneida Law Office.
- 22 ● The following laws and policies of the Nation were reviewed in the drafting of this analysis:
- 23 ■ Independent Contractors [5 O.C 503];
  - 24 ■ Indian Preference in Contracting [5 O.C. 502]; and

25 **SECTION 4. PROCESS**

- 26 A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- 27     ▪ On June 19, 2024, the Legislative Operating Committee added this Law to its Active Files List
- 28     for amendments this legislative term.
- 29     ▪ On June 17, 2026, the Legislative Operating Committee approved the draft of the Vendor
- 30     Licensing Law Amendments and directed the Legislative Reference Office to complete a
- 31     Legislative Analysis and public meeting packet.
- 32 B. At the time this legislative analysis was developed the following work meetings had been held
- 33     regarding the development of the amendments to this law:
- 34     ▪ October 23, 2024: LOC work meeting with Purchasing, Licensing, Finance, DTS, and Risk
- 35     Management.
- 36     ▪ March 3, 2025: LOC work meeting with Purchasing, Finance, Licensing, and Risk
- 37     Management.
- 38     ▪ July 14, 2025: LOC work meeting with Purchasing, Finance, and Licensing.
- 39     ▪ July 22, 2025: work meeting with DTS.
- 40     ▪ August 19, 2025: LOC work meeting with Purchasing, Licensing, Finance, and DTS.
- 41     ▪ September 2, 2025: LOC work meeting with Purchasing, Licensing, and the Oneida Law
- 42     Office.
- 43     ▪ October 6, 2025: LOC work meeting with Purchasing, Licensing, Finance, and DTS.
- 44     ▪ January 22, 2026: LOC work meeting with Purchasing, Licensing, DTS, and Finance.
- 45     ▪ March 16, 2026: LOC work meeting with Purchasing, Licensing, Finance, Oneida Law Office.
- 46     ▪ March 30, 2026: LOC work meeting with Purchasing, Licensing, Oneida Law Office, and
- 47     Risk Management.
- 48     ▪ April 14, 2026: work meeting with Licensing, Purchasing, and Risk Management.
- 49     ▪ June 2, 2026: work meeting with Finance, Risk Management, Purchasing, Licensing, and the
- 50     Oneida Law Office where the final draft was approved.
- 51     ▪ June 3, 2026: LOC work session where the LOC discussed and approved the draft.
- 52

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

- 54 A. *Scope of the Law.* The proposed amendments improve the ability of the Nation to regulate, monitor,
- 55     and enforce its relationship with vendors providing goods or services to the Nation. [5 O.C 506.1; 5
- 56     O.C. 506.4].
- 57     ▪ *Effect.* The proposed amendments clarify the duties and responsibilities of the Nation regarding
- 58     its relationship with vendors and further clarify the responsibilities of vendors providing goods
- 59     or services to the Nation, making the vendor licensing procedures and requirements more
- 60     accessible and transparent.
- 61 B. *Application Procedures.* The proposed amendments clarify the requirements for all applications for a
- 62     vendor license which shall include: the application, certificate of insurance, completed DTS screening
- 63     for technology risk assessment, vendor payment authorization form, and W-9. [5 O.C. 506.5-1].
- 64     ▪ *Effect.* The proposed amendments clarify the application requirements for all applicants
- 65     applying for a vendor license with the Nation; this amendment makes the vendor licensing
- 66     requirements more accessible and transparent.

- 67 **C. *DTS Security Review.*** The proposed amendments clarify the requirement for all applicants for a  
68 vendor license to complete a DTS security review, and complete additional assessments if DTS  
69 determines additional assessments are necessary and unless the requirement for additional  
70 assessments is waived. [5 O.C. 506.5-2; 506.5-2(a)].
- 71     ▪ *Effect.* The proposed amendments strengthen the Nation’s ability to monitor and protect its  
72 assets by ensuring DTS has the authority to verify the technological safety and security of any  
73 vendor before the Nation’s begins working with that vendor. The proposed amendments also  
74 allow DTS to continue to monitor and protect the Nation’s assets by allowing DTS to complete  
75 a security review and any follow-up as determined necessary as part of the initial application  
76 process and renewal. By allowing the Nation to waive any additional assessments, the  
77 amendments further reinforce the Nation’s ability to monitor and protect its assets.
- 78 **D. *Licensing.*** The proposed amendments clarify the Licensing Department shall approve or deny an  
79 application based on compliance with the law. [5 O.C. 505.5-3].
- 80     ▪ *Effect.* The proposed amendments strengthen the authority of the Nation’s Licensing  
81 Department to approve or deny any vendor applying to do business with the Nation. The  
82 proposed amendments clarify that the Licensing Department is the department of the Nation  
83 with the authority to approve or deny a vendor license. Even though the proposed amendments  
84 give the ultimate authority to the Licensing Department to approve or deny a vendor license,  
85 the proposed amendments also require input from Risk Management, DTS, and Finance which  
86 ensures all affected departments of the Nation have the authority to review, approve, or deny a  
87 vendor, and ultimately to protect the Nation and its assets.
- 88 **E. *Insurance.*** The proposed amendments clarify that before a vendor performs any work, the vendor must  
89 demonstrate proof of appropriate and adequate insurance coverage. [5 O.C. 506.5-4]. The proposed  
90 amendments further clarify the Nation’s Risk Management Department shall determine what  
91 constitutes appropriate and adequate insurance coverage and shall make their determinations available  
92 on the Nation’s website. [5 O.C. 506.5-4(a)].
- 93     ▪ *Effect.* The proposed amendments ensure the Nation’s ability to protect itself and its assets by  
94 requiring all potential vendors to demonstrate proof of appropriate and adequate insurance and  
95 requiring the Nation’s Risk Management Department to determine what appropriate and  
96 adequate insurance coverage will mean for potential vendors.
- 97 **F. *Deactivation or Revocation.*** The proposed amendments clarify what it will mean for a vendor license  
98 to be deactivated. [5 O.C 506.7-1]. The proposed amendments further clarify what it will mean for a  
99 vendor license to be revoked; including revocation for insufficient insurance and revocation for cause.  
100 [5 O.C. 506.7-2].
- 101     ▪ *Effect.* The proposed amendments clarify the Nation’s ability to discontinue working with a  
102 vendor if a vendor fails to comply with the law and does not maintain their vendor license; in  
103 which case, the Nation may deactivate the vendor license. The proposed amendments also  
104 clarify the Nation’s ability to revoke a vendor license if the vendor fails to maintain appropriate  
105 and adequate insurance coverage or for cause. The proposed amendments clarify and  
106 strengthen the Nation’s ability to monitor and enforce all vendors with whom it chooses to do  
107 business.
- 108 **G. *Other amendments.*** Overall, a variety of other amendments and revisions were made to the law to  
109 address formatting, drafting style, and organization that did not affect the substance of the law.

110 **SECTION 6. EXISTING LEGISLATION**

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

- 113     ▪ *Independent Contractors Policy.* The purpose of the Independent Contractors Policy is to  
114 ensure proper classification of employees and independent contractors for federal labor and  
115 tax law purposes; ensure the use of contract forms approved by the Oneida Law Office and  
116 the Oneida Purchasing Department; ensure contracting with a current employee does not  
117 create a conflict of interest or unintended tax consequences; and ensure independent  
118 contractors have appropriate insurance coverages. [5 O.C. 503.1-1].
  - 119         ▪ The Independent Contractors Policy contains approval requirements, including  
120 the requirement to obtain a vendor license subject to any requirements of the  
121 Nation’s Vendor Licensing Law, unless the vendor is exempted. [5 O.C. 503.6-  
122 3].
  - 123         ▪ The Independent Contractors Policy also requires independent contractors to  
124 work with the Oneida Law Office and the Oneida Purchasing Department to  
125 execute a contract; work with the Purchasing Department to approve a purchase  
126 order; work with the Risk Management Department to demonstrate appropriate  
127 and adequate insurance coverage; and demonstrate appropriate tax identification  
128 before the independent contractor begins work. [5 O.C. 503.6].
  - 129         ▪ The proposed amendments align with the Independent Contractors Policy by  
130 strengthening the Nation’s ability to monitor and enforce its relationship with  
131 independent contractors that are also subject to the requirements of the Nation’s  
132 vendor licensing law.
- 133     ▪ *Indian Preference in Contracting Law.* The purpose of the Indian Preference in Contracting  
134 law is to establish an Indian Preference Office and increase economic benefits for the Nation  
135 and members of the Nation by providing for the maximum utilization of Indian workers and  
136 businesses on projects of the Nation which occur on or near the Reservation. [5 O.C. 502.1-  
137 1].
  - 138         ▪ The Indian Preference in Contracting law applies to all contracts to which the  
139 Nation is a party, all subcontractors, or other entities working with, for, or on  
140 behalf of a party to a contract. [5 O.C. 502.6-1].
  - 141         ▪ In order for an entity to qualify for Indian Preference, the entity must submit an  
142 application to the Nation’s Indian Preference office and demonstrate it meets the  
143 criteria of the Indian Preference law in order to be eligible for Indian preference in  
144 contracting. [5 O.C. 502.5-2].
  - 145         ▪ The proposed amendments align with the Indian Preference in Contracting law by  
146 strengthening the Nation’s ability to determine, monitor, and enforce the  
147 requirements for any entity wishing to contract with the Nation.

148  
149 **SECTION 7. ENFORCEMENT AND ACCOUNTABILITY**

150 A. The Vendor Licensing law amendments require all applicants for a vendor license to submit a complete  
151 application containing the application, a certificate of insurance demonstrating the vendor meets the  
152 minimum insurance requirements, a complete DTS screening for technology risk assessment, and any

153 follow-up as determined necessary, a vendor payment authorization form, and a W-9. [5 O.C. 506.5; 5  
154 O.C. 506.5-2]. The Vendor Licensing law also requires vendors to provide Licensing with an updated  
155 certificate of insurance and completed cyber security risk assessment on an annual basis and on a  
156 triennial basis to complete a full update of their information by providing an updated application with  
157 all required forms. [5 O.C. 506.6].

158 **B.** The Vendor Licensing law amendments authorize the Licensing Department to deactivate or revoke a  
159 vendor license. [5 O.C. 506.7].

160     ▪ If a vendor falls out of compliance with the requirements of this law to maintain their vendor  
161 license, the vendor’s license may be deactivated by Licensing. [5 O.C 506.7-1].

162     ▪ Prior to potential deactivation, Licensing shall provide notice to a vendor of the requirements  
163 to comply with this law to maintain their vendor license. [Id].

164     ▪ If the vendor does not satisfactorily complete the requirements to maintain their vendor license  
165 within the allowable timeframe, Licensing shall deactivate the vendor’s license. [Id].

166     ▪ Revocation is a cancellation of a vendor license for cause. [5 O.C 506.7-2]. Revocation is  
167 subject to Licensing’s discretion except that revocation is required for a failure to meet the  
168 Nation’s insurance requirements. [Id]. A vendor that has been revoked may not conduct  
169 business with the Nation. [Id].

170     ▪ In order to maintain a vendor license, a vendor must maintain appropriate and adequate  
171 insurance coverage, as determined by the Nation’s Risk Management Department. [5 O.C  
172 506.7-2(a)]. If or when Risk Management learns that a vendor does not meet the Nation’s  
173 insurance requirements, Risk Management shall provide the vendor with a minimum of ten  
174 (10) business days to supply a satisfactory certificate of insurance. [Id].

175     ▪ A vendor license may be revoked for cause as determined by Licensing upon the occurrence  
176 of any of the following:

177         ▪ A vendor’s actions, whether directly or indirectly related to the vendor’s agreement with  
178 the Nation, present public health, safety, or welfare concerns to the Nation or its members.  
179 [5 O.C 506.7-2(b)(1)].

180         ▪ A vendor’s actions or inactions implicate poor quality of work or performance, or a lack of  
181 sound business practice as determined by Licensing in consultation with the Oneida Law  
182 Office and the Nation’s business unit receiving goods or services from the vendor. [5 O.C  
183 506.7-2(b)(2)].

184 **C.** The Vendor Licensing law amendments give authority to the Nation’s Licensing Department to  
185 promulgate rules establishing additional criteria for the approval and maintenance of a vendor license,  
186 notify all applicants of the requirements of this law, approve or deny applications and notify applicants  
187 of their approval or denial, maintain records of the applications for vendor licenses, maintain a record  
188 of the statuses of vendor licenses, notify vendors if their vendor license has been deactivated, notify  
189 vendors if their vendor license has been revoked. [5 O.C. 506.4-4; 506.5-1; 506.5-3; 506.5-5; 506.7].

190 **D.** The Vendor Licensing law amendments clarify the responsibility of all applicants for a vendor license  
191 to complete a DTS security review. [5 O.C. 506.5-2]. A vendor may be required to complete an  
192 additional technology assessment or cyber security risk assessment or both, if determined necessary by  
193 DTS. [Id]. The requirement to complete an additional technology assessment or Cyber Security risk  
194 assessment or both may be waived by DTS, Risk Management, and the Nation’s Chief Financial  
195 Officer. [5 O.C. 506.5-2(a)].

- 196 C. The Vendor Licensing law amendments require the Nation’s Risk Management Department to verify  
197 appropriate and adequate insurance coverage of a vendor before the vendor begins work. [5 O.C. 506.5-  
198 4].
- 199     ▪ The law requires Risk Management to determine what constitutes appropriate and adequate  
200 insurance coverage for varying types of goods and services. [5 O.C. 506.5-4(a)].
  - 201     ▪ The law requires Risk Management to make available on the Nation’s website the minimum  
202 insurance requirements and to identify the types of goods or services would require escalated  
203 insurance coverage, wherein appropriate and adequate insurance will be determined by Risk  
204 Management on a case-by-case basis. [5 O.C. 506.5-4].

## 205 **SECTION 8. OTHER CONSIDERATIONS**

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

- 212     ▪ **Conclusion.** The Legislative Operating Committee has not yet directed that a fiscal impact be  
213 completed.

Title 5. Business - Chapter 506
VENDOR LICENSING
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506.1. Purpose and Policy-
506.2. Adoption, Amendment Repeal-
506.3. Definitions
506.4. Scope

506.5. Application Procedures Application/Renewal Procedures
506.6. Fees for Licensure
506.76. Maintaining a Vendor License Revocation of Vendor's License
506.78. Deactivation or Revocation of a Vendor License Exemptions and Deferments
506.89. Appeal Department Decisions

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506.1. Purpose and Policy

506.1-1. Purpose. The purpose of this law is to:

- (a) regulate and license all vendors who provide a goods or services for and do business with the Oneida Nation, and
(b) provide revenue for the Nation by collecting fees from vendors for a license to perform a service for or do business with the Nation.
(b) ensure the Nation's safety, regulate compliance, minimize risk, and protect the Nation's assets.

506.1-2. Policy. It is the policy of the Oneida Nation to establish a fair system to-for implementing, administering, and enforcing the issuance of vendor's licenses the requirements for maintaining a vendor license, provided that, and collection of fees.

(a) It is the policy of the Nation to utilize Native American businesses to complete work that the Nation is unable to complete through use of its own employees. All programs, enterprises, and government agencies tribal entities are encouraged to seek within their own employees those with expertise to meet the Nation's needs.

506.2. Adoption, Amendment Repeal

506.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-19-92-C and amended by resolutions BC-3-5-97-E, BC-02-25-15-C and BC-10-12-16-E.

506.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

506.2-3. 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.

506.2-4. 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.

506.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

506.3. Definitions

506.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.
(b) "Business entity" means that which exists as a particular and discrete unit, which may include, but is not limited to, any person, independent contractor, sole proprietorship,

38 partnership, corporation, joint venture, franchise, governmental enterprise, or any other natural  
 39 or artificial person or organization. The term “entity” is intended to be as broad and  
 40 encompassing as possible to ensure this law covers all contracted goods or services within the  
 41 jurisdiction of the Nation.~~is law.~~

42 (c) “Certificate of Insurance” means a document issued by an insurance company that verifies  
 43 the existence of an insurance policy and summarizes key aspects and conditions of the policy.

44 (d) “CSRA” means the Cyber Security Risk Assessment done by the Nation’s Digital Technology  
 45 Services department to assess potential cyber threats and vulnerabilities. The goal of the Digital  
 46 CSRA is to identify and prioritize risks and to develop strategies to reduce the likelihood and  
 47 impact of a cyberattack. “Department” means the Oneida Licensing Department.

48 (e)(f) “Deactivate” means to turn off the vendor in the Licensing system that is not for cause for  
 49 lack of current of vendor information.

50 (ff) “DTS” means the Nation’s Digital Technology Services department.

51 (g)(h) “Financial information” means any information related to the financial activities and  
 52 performance of a business. For the purposes of this law, “financial information” may refer to  
 53 income and tax reporting documents or direct deposit and banking information.

54 (h)(f) “Goods” means quantifiable products and, tangible or intangible, products that must be  
 55 provided completion of a project pursuant to an Agreement with the Nation.

56 (i)(j)(g) “Great harm” means the conviction of, or a civil judgement for, the credible evidence exists  
 57 that substantiates commission of any of the following actions: fraud, any violation of Federal or  
 58 State antitrust statutes, embezzlement, theft, forgery, bribery, falsification or destruction of  
 59 records, making false statements, tax evasion, receiving stolen property, obstruction of justice,  
 60 or any other action -so serious that it affects the vendor’s ability to satisfy its responsibilities to  
 61 the Nation.

62 (j)(k)(h) “Judiciary” means the judicial system that was established by Oneida General Tribal  
 63 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of  
 64 the Nation.

65 (e) “License fee” means that fee charged for a vendor’s license issued in accordance with this  
 66 law.

67 (k)(i) “Licensing” means the Licensing Department of the Oneida Nation.

68 (l)(m)(j)(f) “Nation” means the Oneida Nation.

69 (m)(n)(k)(g) “Non-renewal” means the a vendor has chosen not did not to renew their vendor license  
 70 and is no longer doing business with the Nation as a vendor without consideration, cause, or  
 71 imposition of any penalty.

72 (n)(o)(m) “Notice” means communication from the Licensing Department to a vendor. To  
 73 communicate the renewal and maintenance of a vendor license, the Licensing Department will  
 74 send notice by email or regular mail; to communicate the loss of licensure, the Licensing  
 75 Department will send notice by certified mail.

76 (o)(p) “Rule” means a set of requirements enacted in accordance with the Nation’s Administrative  
 77 Rulemaking Law.

78 (p)(q)(n)(h) “Service” means an action performed by a vendor pursuant to an agreement with the  
 79 Nation where the service subject to the agreement must be described sufficiently as to set the  
 80 expectations for all parties; it must be adequately described as to the action that will be taken  
 81 and the final result of those actions.

82 (q)(r)(n) “Technology assessment” means the process where the Nation evaluates the technical  
 83 capabilities and infrastructure of a potential or existing vendor to ensure they can meet the  
 84 Nation’s needs and requirements.

~~(rspe)~~ “Vendor’s license” means a license issued by the Licensing Department to a business entity that does business with the Nation by entering agreements to ~~provides~~ provide a goods or service for, or that does business withto the Nation.

#### 506.4. Scope

506.4-1. This law shall be adhered to by all business entities and shall apply to every business entity that performs services ~~and/or~~ does business with the Nation separate from and in addition to those requirements imposed by other laws and rules of the Nation.

506.4-2. Any record request related to vendor licensing is ~~All information given for the purpose of receiving a vendor’s license is:~~

~~(a) subject to a request for information and available for public inspection as provided in~~ applicable laws and rules of the Nation; ~~and~~

~~(b) subject to internal audit of the Nation.~~

506.4-3. Exemptions. The following are exempt from licensure.

(a) Services or goods provided by another federally recognized tribe, subject to all laws and rules of the Nation.

(b) Services or goods provided by another government, subject to all laws and rules of the Nation.

(c) Other vendors as identified by Licensing through standard operating procedures and published on the Nation’s website.

506.4-4. Rulemaking. Licensing may promulgate rules establishing additional criteria for the approval and maintenance of a vendor license.

#### 506.5. Application Procedures/Renewal Procedures

506.5-1. Application. ~~The Licensing Department~~ shall notify all ~~new~~ applicants of the requirements of this law; including any applicable rules and any necessary documentation that ~~they~~ the Department may ask the applicant to provide. A complete application shall include:

(a) the application;

(b) a certificate of insurance demonstrating the vendor meets the minimum insurance requirements;

(c) completed DTS screening for technology risk assessment;

(d) vendor payment authorization form; and

(e) W-9.

~~All business entities shall obtain and maintain adequate insurance coverage, as determined by the Risk Management Department, in cooperation with the Department.~~

506.5-2. DTS Security Review. All applicants for a ~~new~~ vendor license shall complete ~~the~~ DTS screening questions. ~~and, if the vendor responded “yes” to any of the DTS screening questions, required of all new applications,~~ the vendor will be required to complete an additional technology assessment or CSRA or both. ~~Licensing may not proceed with processing a~~ A license may not be issued until the technology assessment or CSRA or both are completed and approved by DTS.

(a) Waiver. Even if a vendor responded “yes” to any of the DTS screening questions, the vendor may be waived from completing an additional technology assessment or CSRA or both, if DTS, Risk Management, and the Chief Financial Officer waive further technology assessments or the CSRA or both.

506.5-3 ~~5-2.~~ Licensing Review. Licensing shall approve or deny an application based on compliance with the criteria set in this law ~~, other Oneida laws,~~ and any applicable rules, policies, or procedures.

~~506.6-4. Rulemaking.~~ Licensing may promulgate rules establishing its own criteria for the approval and maintenance of a vendor license.

133 506.65-53. *Notice to Applicant.* ~~Licensing The Department~~ shall notify the applicant of the approval or  
 134 denial of the application within ~~twenty ten (210)~~ business days of Licensing receipt of a complete  
 135 application, and:

136 (a) if approved, ~~Licensing the Department~~ shall issue the vendor's license to the business entity;  
 137 or

138 (b) if denied, ~~Licensing the Department~~ shall provide the reason(s) for denial of the vendor's  
 139 license; and notify the applicant of ~~their his or her~~ right to file a complaint with the Judiciary  
 140 challenging ~~Licensing's denial. the Department's action.~~

141 506.5-4. Insurance. Before the vendor performs any work, the vendor must demonstrate proof of  
 142 appropriate and adequate insurance coverage; and if applicable, comply with all other laws, rules, or  
 143 policies of the Nation implicating vendor licensing.

144 ~~(a) The Nation's Risk Management Department is delegated rule making authority to determine~~  
 145 ~~what constitutes appropriate and adequate insurance coverages shall determine what constitutes~~  
 146 ~~appropriate and adequate insurance coverage for varying types of goods and services. -The~~  
 147 ~~appropriate and adequate minimum insurance requirements for all vendors shall be made~~  
 148 ~~available on the Nation's website and shall identify the types of services or goods that require~~  
 149 ~~escalated insurance coverage, wherein the amount of coverage may be determined on a case-~~  
 150 ~~by-case basis.~~

151 506.55-54. Record Retention. All applications for a vendor's license ~~and a copy of each vendor's~~  
 152 ~~license and licenses issued by Licensing as a result thereof~~ shall be retained by ~~Licensing the Department~~  
 153 ~~in accordance with applicable law and rules of the Nation for~~ a period of seven (7) years from the later of  
 154 the applicable date of application or issuance.

## 156 **506.6. Maintaining a Vendor License**

157 506.6-1. Annual Licensing Update. On an annual basis, vendors shall provide Licensing with an updated  
 158 certificate of insurance and complete the CSRA, to the extent the CSRA is required based on the initial  
 159 cybersecurity risk assessment.

160 506.6-2. Triennial Licensing Update. Every three years vendors shall complete a full update of their  
 161 information by providing an updated application with all forms required for a new application.

162 ~~506.7-3. Insurance Requirements. In order to maintain a vendor license, a vendor must maintain~~  
 163 ~~appropriate and adequate insurance coverage, as determined by the Nation's Risk Management~~  
 164 ~~Department.~~

165 ~~(a) Risk Management shall provide a vendor with a minimum of ten (10) days to cure insurance~~  
 166 ~~requirements and to ensure the insurance coverage remains appropriate and adequate as~~  
 167 ~~determined by Risk Management.~~

168 ~~(1) If the vendor does not cure within the timeframe given by Risk Management,~~  
 169 ~~Licensing may deactivate or revoke the vendor.~~

170 ~~(2) If the vendor cures within the timeframe, to the satisfaction of Risk Management,~~  
 171 ~~and otherwise remains in full compliance with this law and all applicable contracts with~~  
 172 ~~the Nation, the vendor may avoid license deactivation or revocation, subject to certain~~  
 173 ~~limitations, as identified by Licensing in consultation with the Oneida Law Office.~~

## 175 **506.7. Deactivation or Revocation of a Vendor License**

176 506.7-1. Deactivation. If a vendor is not in compliance with the requirements of section 506.7 of this law,  
 177 to maintain their vendor license, the vendor's license may be deactivated. Licensing shall provide notice  
 178 to a vendor prior to potential deactivation stating the requirements to comply with this law to maintain a  
 179 vendor license. If the vendor has not satisfactorily completed the requirements to maintain their vendor  
 180 license within the allowable timeframe, Licensing shall deactivate the vendor's license.

181 506.7-2. Revocation. Revocation is a cancellation of a vendor license for cause. Revocation is subject to  
 182 Licensing discretion except that revocation is required for a failure to meet the Nation's insurance  
 183 requirements. A vendor that has been revoked may not conduct business with the Nation.

184 (a) Revocation for Insufficient Insurance. In order to maintain a vendor license, a vendor must  
 185 maintain appropriate and adequate insurance coverage, as determined by the Nation's Risk  
 186 Management Department. If or when Risk Management learns that a vendor does not meet the  
 187 Nation's insurance requirements, Risk Management shall provide the vendor with a minimum of  
 188 ten (10) business days to supply a satisfactory certificate of insurance. If the vendor does not  
 189 cure within the timeframe given by Risk Management, Licensing shall revoke the vendor.

190 (b) Revocation for Cause. A vendor license may be revoked ~~which is the temporary or permanent~~  
 191 ~~removal of a vendor license,~~ for cause, as ~~identified~~ determined by Licensing upon the  
 192 occurrence of any of the following:-

193 (1a) A vendor's actions, whether directly or ~~or not~~ indirectly related to the vendor's  
 194 agreement with the Nation, present ~~Licensing may immediately revoke a vendor license~~  
 195 ~~for~~ public health, safety, or welfare concerns to the Nation or its citizens.

196 (2) A vendor's actions or inactions implicate poor quality of work or performance, or a  
 197 lack of sound business practice as determined by Licensing in consultation with the  
 198 Oneida Law Office and the Nation's business unit receiving goods or services from the  
 199 vendor.

200 (cb) Form of Revocation. Licensing may revoke the license upon notice to the vendor containing  
 201 the effective date and duration of the revocation and the reason(s) for revocation.

202 (1) ~~(c) A vendor that has been revoked may not conduct business with the Nation.~~

203 ~~(d) A vendor license may be revoked where a vendor fails to comply with Licensing's~~  
 204 ~~requirements, or when a vendor's actions or inactions implicate poor quality of work or~~  
 205 ~~performance, or a lack of sound business practice as determined by Licensing in~~  
 206 ~~consultation with the Oneida Law Office pursuant to this law or any additional rules or~~  
 207 ~~policies promulgated by Licensing and in consultation with the Oneida Law Office for a~~  
 208 ~~duration to be identified by Licensing in consultation with the Oneida Law Office.~~

209 (2e) In extreme circumstances, where a vendor has caused great harm to the Nation, a  
 210 vendor ~~shall~~ may be permanently revoked.

211 506.8-4. Probation and Potential revocation. Licensing may revoke a vendor in the event of  
 212 noncompliance with this law or applicable contracts with the Nation that do not immediately implicate  
 213 public health, safety, or welfare.

214 (a) Licensing may place the vendor on probation until the vendor cures the identified  
 215 noncompliance.

216 (1) During probation, if the vendor fails to comply with any terms of probation identified  
 217 by Licensing or does not remain in full compliance with this law and any applicable  
 218 contracts with the Nation, Licensing may revoke the vendor.

219 (2) If the vendor cures the identified noncompliance, to the satisfaction of Risk  
 220 Management, and otherwise remains in full compliance with this law and all applicable  
 221 contracts with the Nation, Licensing may choose not to revoke the license, subject to  
 222 certain limitations, as identified by Licensing in consultation with the Oneida Law Office.

## 224 **506.89. Appeal Department Decisions**

225 506.89-1. The Judiciary is granted jurisdiction to hear complaints filed regarding actions taken by  
 226 Licensing the Department pursuant to this law.

227 506.89-2. No administrative hearing body, including a board, committee, or commission, is authorized to  
 228 hear a complaint filed regarding actions taken pursuant to this law.

229 506.~~89~~-3. Complaints filed with the Judiciary shall name the Licensing Department as the responding  
230 party.

231

232 End.

233 Adopted- BC-2-19-92-C Amended- BC-3-5-97-E Amended- BC-02-25-15-C Amended- BC-10-12-16-E

**Title 5. Business - Chapter 506**  
**VENDOR LICENSING**  
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506.1. Purpose and Policy  
506.2. Adoption, Amendment Repeal  
506.3. Definitions  
506.4. Scope

506.5. Application Procedures  
506.6. Maintaining a Vendor License  
506.7. Deactivation or Revocation of a Vendor License  
506.8. Appeal

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**506.1. Purpose and Policy**

506.1-1. *Purpose.* The purpose of this law is to:

- (a) regulate and license vendors who provide goods or services for, and do business with, the Nation; and
- (b) ensure the Nation’s safety, regulate compliance, minimize risk, and protect the Nation’s assets.

506.1-2. *Policy.* It is the policy of the Nation to establish a fair system for implementing, administering, and enforcing the requirements to maintain a vendor license provided that all programs, enterprises, and tribal entities are encouraged to seek within their own employees those with expertise to meet the Nation’s needs.

**506.2. Adoption, Amendment Repeal**

506.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-19-92-C and amended by resolutions BC-3-5-97-E, BC-02-25-15-C and BC-10-12-16-E.

506.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

506.2-3. 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.

506.2-4. 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.

506.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**506.3. Definitions**

506.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Business day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.
- (b) “Business entity” means a particular and discrete unit, which may include, but is not limited to, any person, independent contractor, sole proprietorship, partnership, corporation, joint venture, franchise, governmental enterprise, or any other natural or artificial person or organization. The term “entity” is intended to be as broad and encompassing as possible to ensure this law covers all contracted goods or services within the jurisdiction of the Nation.
- (c) “Certificate of Insurance” means a document issued by an insurance company that verifies the existence of an insurance policy and summarizes key aspects and conditions of the policy.

38 (d) “CSRA” means the Cyber Security Risk Assessment done by the Nation’s Digital Technology  
39 Services department to assess potential cyber threats and vulnerabilities. The goal of the CSRA is  
40 to identify and prioritize risks and to develop strategies to reduce the likelihood and impact of a  
41 cyberattack.

42 (e) “Deactivate” means to turn off the vendor in the Licensing system for lack of current vendor  
43 information.

44 (f) “DTS” means the Nation’s Digital Technology Services department.

45 (g) “Financial information” means any information related to the financial activities and  
46 performance of a business. For the purposes of this law, “financial information” may refer to  
47 income and tax reporting documents or direct deposit and banking information.

48 (h) “Goods” means quantifiable products, tangible or intangible, that must be provided pursuant  
49 to an Agreement with the Nation.

50 (i) “Great harm” means credible evidence exists that substantiates commission of any of the  
51 following actions: fraud, any violation of Federal or State antitrust statutes, embezzlement, theft,  
52 forgery, bribery, falsification or destruction of records, making false statements, tax evasion,  
53 receiving stolen property, obstruction of justice, or any other action so serious that it affects the  
54 vendor’s ability to satisfy its responsibilities to the Nation.

55 (j) “Judiciary” means the judicial system that was established by Oneida General Tribal Council  
56 resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the  
57 Nation.

58 (k) “Licensing” means the Licensing Department of the Oneida Nation.

59 (l) “Nation” means the Oneida Nation.

60 (m) “Non-renewal” means a vendor has chosen not to renew their vendor license without  
61 consideration, cause, or imposition of any penalty.

62 (n) “Notice” means a communication from the Licensing Department to a vendor. To  
63 communicate the renewal and maintenance of a vendor license, the Licensing Department will  
64 send notice by email or regular mail; to communicate the loss of licensure, the Licensing  
65 Department will send notice by certified mail.

66 (o) “Rule” means a set of requirements enacted in accordance with the Nation’s Administrative  
67 Rulemaking Law.

68 (p) “Service” means an action performed by a vendor pursuant to an agreement with the Nation  
69 where the service subject to the agreement must be described sufficiently as to set the  
70 expectations for all parties.

71 (q) “Technology assessment” means the process where the Nation evaluates the technical  
72 capabilities and infrastructure of a potential or existing vendor to ensure they can meet the  
73 Nation’s needs and requirements.

74 (r) “Vendor license” means a license issued by the Licensing Department to a business entity  
75 that does business with the Nation by entering agreements to provide goods or services to the  
76 Nation.

77  
78 **506.4. Scope**

79 506.4-1. This law shall be adhered to by all business entities and shall apply to every business entity that  
80 performs services or does business with the Nation separate from and in addition to those requirements  
81 imposed by other laws and rules of the Nation.

82 506.4-2. Any record request related to a vendor license is subject to applicable laws and rules of the  
83 Nation.

84 506.4-3. *Exemptions.* The following are exempt from licensure.

85 (a) Services or goods provided by another federally recognized tribe, subject to all laws and rules  
86 of the Nation.

87 (b) Services or goods provided by another government, subject to all laws and rules of the  
88 Nation.

89 (c) Other vendors as identified by Licensing through standard operating procedures and  
90 published on the Nation’s website.

91 506.4-4. *Rulemaking*. Licensing may promulgate rules establishing additional criteria for the approval and  
92 maintenance of a vendor license.

93

94 **506.5. Application Procedures**

95 506.5-1. *Application*. Licensing shall notify all applicants of the requirements of this law; including any  
96 applicable rules and any necessary documentation that they may ask the applicant to provide. A  
97 complete application shall include:

98 (a) the application;

99 (b) a certificate of insurance demonstrating the vendor meets the minimum insurance  
100 requirements;

101 (c) completed DTS screening for technology risk assessment;

102 (d) vendor payment authorization form; and

103 (e) W-9.

104 506.5-2. *DTS Security Review*. All applicants for a vendor license shall complete DTS screening questions.  
105 If the vendor responded “yes” to any of the DTS screening questions, the vendor will be required to  
106 complete an additional technology assessment or CSRA or both. A license may not be issued until the  
107 technology assessment or CSRA or both are completed and approved by DTS.

108 (a) *Waiver*. Even if a vendor responded “yes” to any of the DTS screening questions, the vendor  
109 may be waived from completing an additional technology assessment or CSRA or both, if DTS,  
110 Risk Management, and the Chief Financial Officer waive an additional technology assessment or  
111 the CSRA or both.

112 506.5-3. *Licensing Review*. Licensing shall approve or deny an application based on compliance with the  
113 criteria set in this law and any applicable rules, policies, or procedures.

114 506.6-5. *Notice to Applicant*. Licensing shall notify the applicant of the approval or denial of the  
115 application within twenty (20) business days of Licensing’s receipt of a complete application, and:

116 (a) if approved, Licensing shall issue the vendor license to the business entity; or

117 (b) if denied, Licensing shall notice the reason(s) for denial of the vendor license; and notify the  
118 applicant of their right to file a complaint with the Judiciary challenging Licensing’s denial.

119 506.5-4. *Insurance*. Before the vendor performs any work, the vendor must demonstrate proof of  
120 appropriate and adequate insurance coverage; and if applicable, comply with all other laws, rules, or  
121 policies of the Nation implicating vendor licensing.

122 (a) The Nation’s Risk Management Department shall determine what constitutes appropriate  
123 and adequate insurance coverage for varying types of goods and services; and shall make the  
124 minimum insurance requirements for all vendors available on the Nation’s website, including the  
125 identification of the types of services or goods that require escalated insurance coverage,  
126 wherein the amount of coverage may be determined on a case-by-case basis.

127 506.5-5. *Record Retention*. All applications for a vendor license and licenses issued by Licensing as a  
128 result thereof shall be retained by Licensing for a period of seven (7) years from the later date of  
129 application or issuance.

130

131 **506.6. Maintaining a Vendor License**

132 506.6-1. *Annual Licensing Update*. On an annual basis, vendors shall provide Licensing with an updated  
133 certificate of insurance and complete the CSRA, to the extent the CSRA is required based on the initial  
134 cybersecurity risk assessment.

135 506.6-2. *Triennial Licensing Update*. Every three years vendors shall complete a full update of their  
136 information by providing an updated application with all forms required for a new application.  
137

### 138 **506.7. Deactivation or Revocation of a Vendor License**

139 506.7-1. *Deactivation*. If a vendor is not in compliance with the requirements of section 506.7 of this law  
140 to maintain their vendor license, the vendor’s license may be deactivated. Licensing shall provide notice  
141 to a vendor prior to potential deactivation stating the requirements to comply with this law to maintain a  
142 vendor license. If the vendor has not satisfactorily completed the requirements to maintain their vendor  
143 license within the allowable timeframe, Licensing shall deactivate the vendor’s license.

144 506.7-2. *Revocation*. Revocation is a cancellation of a vendor license for cause. Revocation is subject to  
145 Licensing discretion except that revocation is required for a failure to meet the Nation’s insurance  
146 requirements. A vendor that has been revoked may not conduct business with the Nation.

147 (a) *Revocation for Insufficient Insurance*. In order to maintain a vendor license, a vendor must  
148 maintain appropriate and adequate insurance coverage, as determined by the Nation’s Risk  
149 Management Department. If or when Risk Management learns that a vendor does not meet the  
150 Nation’s insurance requirements, Risk Management shall provide the vendor with a minimum of  
151 ten (10) business days to supply a satisfactory certificate of insurance. If the vendor does not  
152 cure within the timeframe given by Risk Management, Licensing shall revoke the vendor.

153 (b) *Revocation for Cause*. A vendor license may be revoked for cause as determined by Licensing  
154 upon the occurrence of any of the following:

155 (1) A vendor’s actions, whether directly or indirectly related to the vendor’s agreement  
156 with the Nation, present public health, safety, or welfare concerns to the Nation or its  
157 members.

158 (2) A vendor’s actions or inactions implicate poor quality of work or performance, or a  
159 lack of sound business practice as determined by Licensing in consultation with the  
160 Oneida Law Office and the Nation’s business unit receiving goods or services from the  
161 vendor.

162 (c) *Form of Revocation*. Licensing may revoke the license upon notice to the vendor containing  
163 the effective date and duration of the revocation and the reason(s) for revocation.

164 (1) A vendor license may be revoked for a duration to be identified by Licensing in  
165 consultation with the Oneida Law Office.

166 (2) In extreme circumstances, where a vendor has caused great harm to the Nation, a  
167 vendor may be permanently revoked.  
168

### 169 **506.8. Appeal**

170 506.8-1. The Judiciary is granted jurisdiction to hear complaints filed regarding actions taken by Licensing  
171 pursuant to this law.

172 506.8-2. No administrative hearing body, including a board, committee, or commission, is authorized to  
173 hear a complaint filed regarding actions taken pursuant to this law.

174 506.8-3. Complaints filed with the Judiciary shall name the Licensing Department as the responding  
175 party.

176

177 End.

178 Adopted- BC-2-19-92-C

- 179 Amended- BC-3-5-97-E
- 180 Amended- BC-02-25-15-C
- 181 Amended- BC-10-12-16-E

Legislative Operating Committee  
June 17, 2026

## Code of Ethics Law Amendments

<b>Submission Date:</b> 10/26/22	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Jennifer Webster	<b>Emergency Enacted:</b> N/A

**Summary:** *This item was carried over from last four (4) terms. Amendments to the Code of Ethics are being sought to strengthen accountability of employees, elected officials, and appointed officials. On October 26, 2022, the Oneida Business Committee adopted a motion to request the Legislative Operating Committee to consider deletion of section 103.7 from the Code of Ethics.*

**10/4/23 LOC:** Motion by Jonas Hill to add the Code of Ethics Law Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

**4/1/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to begin the initial review of the Code of Ethics. The history of the Code of Ethics and related laws were considered prior to reading through the law.

**5/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Fawn Billie, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review potential reporting processes and a draft reporting form.

**5/13/25:** *Work Meeting.* Present: Matthew Denny, Rita Reiter, Laura Laitinen-Warren, Grace Elliott. The purpose of this meeting was to hear initial thoughts from the Human Resource Department on the Code of Ethics.

**6/6/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Kristal Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review feedback from the Nation's human resource, law enforcement, and gaming divisions in relation to the Nation's Code of Ethics. The LOC determined to eliminate the program and enterprise sections from the law as they are addressed in the Nation's personnel, policies, and procedures, and to focus on expanding the government official ethics sections.

**7/28/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Carolyn Salutz, Fawn Billie, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to review the overlap in conflict of interest regulation in the Conflict of Interest law and the Code of Ethics. The LOC

determined that all government official conflict of interest subject matter should be aggregated and addressed within the Code of Ethics law exclusively.

- 10/17/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Fawn Cottrell, Kristal Hill, Rhiannon Metoxen, Laura Laitinen-Warren, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review the section of the draft addressing a potential prohibition on elected officials applying for positions within the Nation while in office.
- 11/14/25:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Fawn Cottrell, Rhiannon Metoxen, Grace Elliott, Kristal Hill. The purpose of this meeting was to review the revised employment application section, alternate definitions, tone and language adjustments, gifts and honorarium section, enforcement and restorative justice sections, and identify next steps.
- 11/19/25:** *Work Meeting.* Present: Grace Elliott, Peggy VanGheem. The purpose of this meeting was to collaborate with the Law Office, receive questions or concerns, and identify suggestions that may be incorporated into the draft or flagged for further group discussion.
- 1/9/26:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Laura Laitinen-Warren, Carolyn Salutz, Clorissa Leeman, Grace Elliott, Peggy VanGheem, Kristal Hill, Fawn Cottrell, Rhiannon Metoxen. The purpose of this meeting was to review the draft amendments against the checklist to ensure that the latest edits met expectations.
- 1/15/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Laura Laitinen-Warren, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review documentation related to the decision to focus the Code of Ethics on the OBC. Consensus was to continue on this path.
- 1/29/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Clorissa Leeman, Grace Elliott. The purpose of this meeting was for the LOC to reconsider the scope of the Code of Ethics. LOC determined that the Code of Ethics be limited to Oneida Business Committee based on information provided that employees are effectively regulated by the Personnel, Policies and Procedures and Conflict of Interest laws, BCCs are effectively regulated under the BCC, Conflict of Interest, and Removal laws—in addition to the fact that the BCC and Conflict of Interest laws are both currently open on the Active Files list and may be amended as necessary to enhance already present protections. Additionally, the LOC has accepted several requests for stand alone laws to address OBC ethics related matters that can be most efficiently and effectively addressed under the Code of Ethics.
- 2/4/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was for the LOC to review various sections of the draft law. Decision was made to remove any references to enforcement provisions.

- 2/16/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Grace Elliott. The purpose of this meeting was review the entire draft for potential LOC approval and to specifically review the reporting processes for gift and conflict of interest disclosures. The LOC requested definitions for “sacred trust” and information on federal standards for meeting conduct and acceptance of gifts. Follow-up is scheduled for 2/18/26.
- 2/18/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Grace Elliott. The purpose of this meeting was to review definitions of sacred trust language and review federal standards for employees and elected officials’ acceptance of gifts. The LOC chose to incorporate all six definitions of sacred trust within the law, and determined to set the gift reporting threshold at one thousand dollars to address the request for reporting lavish gifts.
- 2/23/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Grace Elliott. The purpose of this meeting was to review sacred trust language placement within the law and refine language.
- 3/4/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to complete a read through of the entire law for LOC review and initial approval to move forward through the legislative process.
- 3/18/26 LOC:** Motion by Jennifer Webster to approve the Code of Ethics law amendments draft, legislative analysis and the public meeting packet for the Code of Ethics law amendments and schedule a public meeting to be held on May 14, 2026; seconded by Kirby Metoxen. Motion carried unanimously.
- 5/14/26:** *Public Meeting Held.* No individuals provided comment during the public comment meeting.
- 5/21/26:** *Public Comment Closed.* One individual provided written comments.

**Next Steps:**

- Approve the public comment memorandum, public comments, and public comment transcript for the proposed amendments to the Code of Ethics, and defer to a work meeting for consideration.

TO: Legislative Operating Committee (LOC)  
 FROM: Grace Elliott, Legislative Reference Office, Staff Attorney *Grace Elliott*  
 DATE: June 17, 2026  
 RE: Code of Ethics: Public Comment Review

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On May 14, 2026, a public meeting was held regarding the proposed Elder Protection law. No individuals provided comments during the public meeting. The public comment period was then held open until May 21, 2026. One (1) individual submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public comment period. The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

### **Comment 1 – Gift and Gratuity Reporting Threshold:**

#### **Audit Committee (written):**

To: Legislative Reference Office  
 From: Lisa Liggins, Audit Committee Chairwoman  
 Date: May 20, 2026  
 Re: Code of Ethics Law Amendments

#### **Introduction**

The Audit Committee appreciates the opportunity to provide comments on the proposed amendments to the Code of Ethics. As part of its oversight responsibilities, the Committee is dedicated to promoting strong governance, transparency, and accountability across all operations, including governmental, enterprise, and programmatic functions.

The Committee respectfully submits the following perspective regarding:

1. The reporting threshold for gifts and gratuities.
2. The removal of applicability of the Code of Ethics to employees, programs, and enterprise operations.

#### **1. Gift/Gratuity Threshold and Reporting**

The proposed increase in the reporting threshold from \$50 to \$1,000, combined with limiting applicability to Oneida Business Committee members, raises significant concerns.

The prior Code established an organization-wide control structure that included:

- Prohibition of gifts for business privilege
- Mandatory reporting at established thresholds
- Formal documentation
- Centralized tracking

The revised Code:

- Applies only to elected officials.
- Eliminates reporting for items under \$1,000.
- Removes requirements for employees and enterprise personnel.

As a result, employees engaged in purchasing, vendor management, and enterprise operations are no longer subject to defined requirements regarding gifts or vendor incentives.

From an audit perspective, this:

- Reduces preventive and detective controls.
- Decreases transparency in vendor relationships.
- Creates significant risk of unmonitored conflicts of interest.
- Increases public perception of conflicts of interest.

Recent Audit Committee discussion of a hotline matter highlighted vendor incentives tied to organizational spending. No consistent reporting mechanism was in place. Under the revised Code, such activity would remain largely undetected, unreported, and unmonitored.

The Committee respectfully recommends:

- Reconsideration of the reporting threshold for gifts and gratuities.
- Retention or re-establishment of enforceable ethical standards applicable across all operational areas, including employees, programs, and enterprise activities.

Cc: Audit Committee members  
Loucinda Conway, Internal Audit Manager

### ***Response***

Commenter expresses concerns that increasing the reporting threshold for gifts and gratuities to \$1,000 may reduce transparency, weaken monitoring, and allow vendor-related incentives to go unreported. These concerns are acknowledged; however, they reflect a distinction between *reporting requirements* and *underlying prohibited conduct*.

The \$1,000 threshold applies only to reporting obligations for Oneida Business Committee (“OBC”) members and does not determine what conduct is permissible. The Code of Ethics continues to prohibit gifts intended to influence decision-making regardless of value. Accordingly, the threshold functions as an administrative tool to focus disclosure on items of material significance for governance transparency, rather than a relaxation of ethical standards.

The conduct underlying the commenter’s concern - particularly vendor incentives and undisclosed benefits - is regulated through broader, enforceable frameworks that apply across the Nation. The Conflict of Interest law governs financial interests and vendor relationships and requires disclosure of conflicts both annually and as they arise [2 O.C. 217.4-3(a)]. It restricts participation in procurement and contracting decisions where a conflict exists [2 O.C. 217.5-2; 217.7-1] and provides enforceable penalties, including termination for failure to disclose substantiated conflicts [2 O.C. 217.6-1]. These provisions apply regardless of the dollar value of the benefit and directly address the risks identified in the comment.

The Conflict of Interest law is also advancing through the legislative process, with proposed amendments which further strengthen these protections. They expand restrictions on participation in contracting decisions beyond current limitations and enhance procedural safeguards by integrating conflict of interest disclosures from employees, contractors, and vendors into coordinated oversight processes involving Human Resources, Purchasing, and the Law Office.

[proposed amendments 2 O.C. 217.10-1; 217.5-1; 217.5-2]. These enhancements improve consistency in disclosure, review, and enforcement and provide a more robust framework for identifying and managing conflicts across all operational areas.

In addition, the Nation's Personnel Policies and Procedures prohibit employees from accepting gifts or gratuities for personal gain in the course of official duties [*Personnel Policies & Procedures V.D.2.c(4)(h)*] and subject violations to disciplinary action, up to and including termination [*Personnel Policies & Procedures V.D.*]. This prohibition applies across all departments, programs, and enterprise operations without reliance on a reporting threshold. Taken together, these frameworks ensure that improper influence is prohibited, vendor-related conflicts are disclosed and managed, and violations are enforceable. The adjustment to the reporting threshold refines administrative disclosure requirements for elected officials while preserving comprehensive regulation of the underlying conduct.

The Personnel Policies and the Conflict of Interest law together establish a comprehensive and enforceable system that prohibits employees from accepting anything of value that could influence decision-making, requires disclosure of conflicts on both an annual and ongoing basis, restricts participation in conflicted transactions, and imposes disciplinary action up to and including termination for violations, including failure to disclose conflicts. [*Personnel Policies V.D.; 2 O.C. 217.4-3(a); 217.5-2; 217.6-1*].

Accordingly, the increase in the reporting threshold does not reduce ethical protections, and no changes are recommended in response to this comment.

### ***LOC Consideration***

#### **Comment 2 – Scope of Applicability and Organizational Ethical Framework:**

##### **103.1. Purpose and Policy**

**103.1-1. Purpose.** The purpose of this law is to establish clear standards of conduct rooted in the values of the Oneida people, to guide the Oneida Business Committee in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve.

**103.1-2. Policy.** It is the policy of the Nation that Oneida Business Committee members shall carry themselves in a way that brings honor to the Oneida people and government. They shall walk with integrity, follow the laws of the Nation, and uphold the highest standards of ethical conduct in all their duties. All Oneida Business Committee members strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by OnΛyote'a:ka, which includes:

- (a) **Kahletsyalúsla.** The heartfelt encouragement of the best in each of us.
- (b) **Kanolukhwásla.** Compassion, caring, identity, and joy of being.
- (c) **Ka?nikuhli'yó.** The openness of the good spirit and mind.

- (d) **Kaʔtshatstásla. The strength of belief and vision as a People.**
- (e) **Kalihwi·yó. The use of the good words about ourselves, our Nation, and our future.**
- (f) **Twahwahtsílawayá. All of us are family.**
- (g) **Yukwatsístayá. Our fire, our spirit within each one of us.**

#### **Audit Committee (Written):**

#### **2. Removal of Applicability to Employees, Programs, and Enterprises**

The Committee notes the proposed revisions fundamentally alter the scope of the Code of Ethics. The prior Code applied to:

- Government officials
- Administrative staff
- Program employees
- Enterprise personnel

The revised Code applies exclusively to the Oneida Business Committee.

While the revised Code establishes expectations for elected leaders, it does not include comparable and enforceable standards for employees, programs, or enterprise operations.

This creates:

- A fragmented ethical framework.
- Inconsistent expectations across the Nation.
- Increased exposure where financial and vendor-related risks are most prevalent.

#### **B. Removal of Operational Ethical Controls**

The Committee further notes prior provisions governing enterprise employees included:

- Restrictions on accepting gifts or incentives.
- Requirements to report vendor-provided items.
- Expectations to avoid conflicts in vendor relationships.
- Requirements to return (or properly dispose of) gifts. These provisions have been removed.

As a result:

- Vendor interactions within enterprise operations are no longer governed by defined ethical standards.
- There is no consistent requirement for reporting or review.
- Oversight of high-risk operational activities is significantly reduced.

#### **C. Elimination of Disclosure and Monitoring Mechanisms**

The revised Code introduces structured disclosure processes for Oneida Business Committee members; however, no comparable framework exists for employees or enterprise personnel.

Without disclosure mechanisms:

- There is no centralized visibility into conflicts of interest.
- No consistent or standardized documentation.
- Limited ability to monitor, track, or identify emerging risks.

#### **D. Removal of Enforcement and Reporting Frameworks**

The Committee observes enforcement provisions previously applicable to employees have been removed.

Additionally, prior expectations requiring employees to report violations, along with protections against retaliation, are no longer present.

This may:

- Weaken the internal reporting environment.
- Reduce effectiveness of hotline and whistleblower processes.
- Limit the organization's ability to respond to and address misconduct!

#### Conclusion

While the Committee supports efforts to modernize and culturally align the Code of Ethics, the proposed revisions represent a significant shift away from an organization-wide ethical control framework. Value-based guidance should be supported by clearly defined, enforceable standards applicable across all levels of the organization.

The removal of applicability to employees, programs, and enterprise operations, combined with the reduction of reporting and enforcement mechanisms, creates gaps in oversight and increases organizational risk. Maintaining a consistent, transparent, and enforceable ethical framework is essential to safeguarding the Nation's resources, reputation, and public trust.

The Committee respectfully recommends:

- Reconsideration of the reporting threshold for gifts and gratuities.
- Retention or re-establishment of enforceable ethical standards applicable across all operational areas, including employees, programs, and enterprise activities.

Cc: Audit Committee members  
Loucinda Conway, Internal Audit Manager

#### ***Response***

The commenter further asserts that removing employees and enterprise operations from the scope of the Code of Ethics creates fragmentation, reduces oversight, and eliminates ethical standards, reporting, and enforcement mechanisms. These concerns are acknowledged; however, the proposed amendments reflect a structural alignment of responsibilities rather than a reduction in ethical controls.

The amended Code of Ethics is intentionally limited to OBC members in order to define ethical obligations specific to elected leadership, grounded in fiduciary responsibilities and the "Sacred Trust" owed to the Oneida people. This reflects the distinction between governance and operations: elected officials operate within a policy-making framework, while employees and enterprise personnel operate within employment and operational systems governed by separate laws and policies. Aligning ethical expectations with these systems improves clarity, ensures accountability is matched to authority, and strengthens enforceability.

Employee and enterprise conduct continues to be governed through the Nation's Personnel Policies and Procedures, which apply to all employees and extend to program and enterprise operations [*Personnel Policies & Procedures I; VII*]. While these policies do not explicitly frame their provisions as an "ethics code," the prohibited and required behaviors they establish functionally serve that role by defining standards of integrity, accountability, and professional

responsibility. These policies establish enforceable behavioral standards applicable to day-to-day operations, including prohibitions on falsifying records, misuse of Nation resources, theft or fraud, and acceptance of gifts or gratuities for personal gain [*Personnel Policies & Procedures V.D; V.D.2.c(1)(c)–(e); V.D.2.c(3); V.D.2.c(4)(h)*]. Employees are also required to exercise proper judgment and maintain professional conduct in their interactions [*Personnel Policies & Procedures V.D.2.c(4)(b), (j), (k)*].

The Personnel Policies further provide structured mechanisms for addressing misconduct. Employees may raise concerns through supervisory channels, where complaints are investigated and resolved, with escalation available when necessary [*Personnel Policies & Procedures V.D.1(a)–(c)*]. Supervisors are responsible for enforcing compliance and administering discipline, supported by a grievance framework designed to ensure consistent review and resolution of conduct-related issues [*Personnel Policies & Procedures V.D; HR Interpretation (2-4-13); HR Interpretation (1-29-14)*].

In parallel, the Conflict of Interest law establishes a centralized, organization-wide framework governing conflicts, vendor relationships, and financial decision-making. It requires disclosure of conflicts [*2 O.C. 217.4-3(a)*], restricts participation in procurement and contracting where conflicts exist [*2 O.C. 217.5-2; 217.7-1*], and provides enforceable penalties, including termination [*2 O.C. 217.6-1*]. These provisions directly address the high-risk operational areas identified in the comment.

Together, these frameworks provide continuous oversight through disclosure, supervisory review, and enforceable accountability across all departments, programs, and enterprise operations. The amendments therefore do not eliminate ethical controls, disclosure mechanisms, or enforcement authority, but instead eliminate duplication and clarify how those controls are administered. The prior Code of Ethics overlapped with existing laws and policies; the revised structure assigns each category of conduct to the most appropriate governing authority, improving clarity and strengthening enforceability.

Consistent with this approach, the Legislative Operating Committee engaged with Human Resources and conducted targeted consultation with operational entities, including Gaming and the Oneida Police Department, to confirm that the proposed amendments would not diminish or adversely affect ethical expectations applicable to employees.

To the extent concerns remain regarding consistency of reporting or centralized tracking, those issues are matters of implementation rather than deficiencies in the governing legal framework, which already establishes clear obligations and enforcement mechanisms.

Accordingly, the framework is not fragmented but functionally integrated and aligned with roles, risks, and enforcement authority across the Nation. The concerns raised are fully addressed within the existing and proposed structure, and no changes are recommended in response to this comment.

Accordingly, the concerns raised are fully addressed within the existing and proposed framework, and no changes are recommended in response to this comment.

*LOC Consideration*

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





**LEGISLATIVE OPERATING COMMITTEE  
PUBLIC MEETING  
Code of Ethics Law Amendments  
Pardon and Forgiveness Law Amendments**  
Norbert Hill Center Business Committee Conference Room and Microsoft Teams  
May 14, 2026  
12:15 p.m.

**Present:** Jonas Hill, Grace Elliott, Carolyn Salutz,

**Present on Microsoft Teams:** Joel Maxam, Terri Schiltz, Ashley Blaker, Jodi Tess, Peggy Helm-Quest, Melissa Alverado, Shannon Stone

**Jonas Hill:** Good afternoon, the time is 12:15 p.m. and today's date is Thursday, May 14, 2026. I will now call to order the public meeting for the following two pieces of proposed legislation: Code of Ethics law amendments, and Pardon and Forgiveness law amendments.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting.

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

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Thursday, May 21, 2026.

In attendance from the LOC is myself, Jonas Hill.

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

We will now begin today's public meeting for the two proposed legislative items.

We will be accepting comments on the Code of Ethics law amendments. The purpose of the Code of Ethics law is to establish clear standards of conduct rooted in the values of the Oneida people,

to guide those entrusted with authority in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve. The Code of Ethics law amendments will:

- Update the Code of Ethics to focus exclusively on the Oneida Business Committee, bringing all expectations for how leaders should conduct themselves into one easy-to-understand law.
- Integrate the Great Law of Peace into the ethical foundation, affirming decision-making grounded in peace, unity, and thoughtful deliberation as cultural mandates for governance.
- Ground the ethical framework in the Good Mind teachings, infusing leadership obligations with humility, compassion, clarity, and community-centered thinking.
- Articulate the concept of Sacred Trust, emphasizing leadership as a duty held on behalf of past, present, and future generations rather than an individual entitlement.
- Clarify the definition of “Conflict of Interest” to encompass financial, personal, and political interests affecting leaders and their immediate families, reinforcing impartial stewardship.
- Mandate transparent disclosure of conflicts, ensuring ethical clarity consistent with the Good Mind’s call for honesty and openness in governance.
- Require OBC members to recuse themselves from matters in which conflicts exist, upholding the Great Law of Peace’s expectation that leaders avoid self-interest.
- Implement structured annual and as-needed conflict-of-interest filings, create accountability mechanisms that reinforce responsible leadership.
- Modernize gift and honoraria reporting by increasing financial thresholds and updating reporting processes to better reflect contemporary governance realities including public disclosure.
- Prohibit acceptance of gifts tied to influence or business advantage, protecting the Nation’s decision-making from external pressure and maintaining community trust.
- Regulate OBC members’ applications for positions that report directly to the Committee, preventing conflicts before they arise and strengthening procedural fairness.
- Safeguard confidential information by restricting its use for personal, financial, or political benefit, aligning with the Haudenosaunee value of responsible and respectful speech.
- Reinforce accountability and transparency as essential qualities of public office, affirming that OBC authority flows from the people and must remain answerable to them.
- Strengthen expectations for meeting attendance, preparation, and professional engagement, acknowledging that presence and participation are integral to carrying the Sacred Trust.
- Codify a comprehensive list of prohibited behaviors including retaliation, discrimination, misuse of office, and corruption to uphold dignity and protect community confidence in leadership.

We will also be accepting comments on the Pardon and Forgiveness law amendments. The purpose of the Pardon and Forgiveness law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions. Specifically, the Law provides a process for: Tribal members to receive pardons for criminal convictions or forgiveness for acts that make them ineligible for Tribal housing or Tribal benefits; and Tribal and non-Tribal individuals to receive forgiveness for acts that make them

ineligible for Tribal employment, occupational licenses, certifications, permits, housing, or other Tribal benefits. The Pardon and Forgiveness law amendments will:

- Create an exception allowing applicants with outstanding penalties/fines to proceed- only if the application is for employment purposes and the applicant meets the requirements for a conditional waiver.
- Establish the full conditional waiver framework, including:
  - waiver applies only to employment eligibility;
  - outstanding penalties/fines remain fully enforceable;
  - mandatory payment agreement (18 months or extended to 3 years if greater than \$5,000);
  - requirements for Pardon and Forgiveness Committee recommendation;
  - good-cause exception for missed payments;
  - grounds for rescission for non-payment.
- Allow an applicant proceeding under the conditional waiver (employment-only) to submit proof of a Pardon and Forgiveness Committee-approved payment agreement instead of proof of full payment.
- Clarify that a pardon or forgiveness does not affect restrictions imposed under the Nation's Safe Neighborhoods law, in addition to existing sex-offender requirements.
- Require the Oneida Secretary's Office to monitor payment-related conditions and provide quarterly reports to the Pardon and Forgiveness Committee; and clarify that monitoring is solely for eligibility enforcement, not decision-making.
- Authorize the OBC to rescind a pardon/forgiveness when a person fails to meet a payment condition under 126.6-3, with notice and a 30-day cure period; reinstates all prior ineligibilities.

Those who wish to speak please raise your hand. Please state your name when making a comment, and which law you are commenting on. First up to speak is...we have nobody in person so if there is anybody on Teams who would like to speak you can raise your hand...

With there being no more speakers, the public meeting for the Code of Ethics law amendments and Pardon and Forgiveness law amendments is now closed at 12:26 p.m.

Written comments may be submitted until close of business on Thursday, May 21, 2026.


**-End of Meeting-**

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



# Audit Committee Memorandum

**TO:** Legislative Reference Office

**FROM:** Lisa Liggins, Audit Committee Chairwoman 

**DATE:** May 20, 2026

**RE:** Code of Ethics Law Amendments

## Introduction

The Audit Committee appreciates the opportunity to provide comments on the proposed amendments to the Code of Ethics. As part of its oversight responsibilities, the Committee is dedicated to promoting strong governance, transparency, and accountability across all operations, including governmental, enterprise, and programmatic functions.

The Committee respectfully submits the following perspective regarding:

1. The reporting threshold for gifts and gratuities.
2. The removal of applicability of the Code of Ethics to employees, programs, and enterprise operations.

## 1. Gift/Gratuity Threshold and Reporting

The proposed increase in the reporting threshold from \$50 to \$1,000, combined with limiting applicability to Oneida Business Committee members, raises significant concerns.

The prior Code established an organization-wide control structure that included:

- Prohibition of gifts for business privilege
- Mandatory reporting at established thresholds
- Formal documentation
- Centralized tracking

The revised Code:

- Applies only to elected officials.
- Eliminates reporting for items under \$1,000.
- Removes requirements for employees and enterprise personnel.

As a result, employees engaged in purchasing, vendor management, and enterprise operations are no longer subject to defined requirements regarding gifts or vendor incentives.

From an audit perspective, this:

- Reduces preventive and detective controls.
- Decreases transparency in vendor relationships.
- Creates significant risk of unmonitored conflicts of interest.
- Increases public perception of conflicts of interest.

Recent Audit Committee discussion of a hotline matter highlighted vendor incentives tied to organizational spending. No consistent reporting mechanism was in place. Under the revised Code, such activity would remain largely undetected, unreported, and unmonitored.

## **2. Removal of Applicability to Employees, Programs, and Enterprises**

The Committee notes the proposed revisions fundamentally alter the scope of the Code of Ethics.

The prior Code applied to:

- Government officials
- Administrative staff
- Program employees
- Enterprise personnel

The revised Code applies exclusively to the Oneida Business Committee.

While the revised Code establishes expectations for elected leaders, it does not include comparable and enforceable standards for employees, programs, or enterprise operations.

This creates:

- A fragmented ethical framework.

- Inconsistent expectations across the Nation.
- Increased exposure where financial and vendor-related risks are most prevalent.

### **A. Removal of Operational Ethical Controls**

The Committee further notes prior provisions governing enterprise employees included:

- Restrictions on accepting gifts or incentives.
- Requirements to report vendor-provided items.
- Expectations to avoid conflicts in vendor relationships.
- Requirements to return (or properly dispose of) gifts.

These provisions have been removed.

As a result:

- Vendor interactions within enterprise operations are no longer governed by defined ethical standards.
- There is no consistent requirement for reporting or review.
- Oversight of high-risk operational activities is significantly reduced.

### **B. Elimination of Disclosure and Monitoring Mechanisms**

The revised Code introduces structured disclosure processes for Oneida Business Committee members; however, no comparable framework exists for employees or enterprise personnel.

Without disclosure mechanisms:

- There is no centralized visibility into conflicts of interest.
- No consistent or standardized documentation.
- Limited ability to monitor, track, or identify emerging risks.

### **C. Removal of Enforcement and Reporting Frameworks**

The Committee observes enforcement provisions previously applicable to employees have been removed.

Additionally, prior expectations requiring employees to report violations, along with protections against retaliation, are no longer present.

This may:

- Weaken the internal reporting environment.

- Reduce effectiveness of hotline and whistleblower processes.
- Limit the organization's ability to respond to and address misconduct!

## **Conclusion**

While the Committee supports efforts to modernize and culturally align the Code of Ethics, the proposed revisions represent a significant shift away from an organization-wide ethical control framework. Value-based guidance should be supported by clearly defined, enforceable standards applicable across all levels of the organization.

The removal of applicability to employees, programs, and enterprise operations, combined with the reduction of reporting and enforcement mechanisms, creates gaps in oversight and increases organizational risk. Maintaining a consistent, transparent, and enforceable ethical framework is essential to safeguarding the Nation's resources, reputation, and public trust.

## **The Committee respectfully recommends:**

- Reconsideration of the reporting threshold for gifts and gratuities.
- Retention or re-establishment of enforceable ethical standards applicable across all operational areas, including employees, programs, and enterprise activities.

Cc: Audit Committee members  
Loucinda Conway, Internal Audit Manager



Legislative Operating Committee  
 June 17, 2026

# Elder Protection Law

<b>Submission Date:</b> 1/4/23	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Jennifer Webster	<b>Emergency Enacted:</b> N/A

**Summary:** *This item was carried over from last term and originally added to the Active Files List on January 4, 2023 at the request of the Governmental Services Division Director for the purpose of developing a law which would protect elders of the Oneida community from abuse, neglect, and exploitation.*

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

**11/1/23 LOC:** Motion by Jonas Hill to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on December 6, 2023; seconded by Jennifer Webster. Motion carried unanimously.

**11/27/23:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to review the PowerPoint presentation for the December 6<sup>th</sup> community meeting.

**12/6/23:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to run through and practice the presentation for the community meeting.

*Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenadore, Clorissa N. Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Lori Webster, Leon Webster, Larry Barton, Nancy Barton, Daniel Leyo, John E. Powless III, Carol Silva, Jeanette Ninham, Raeann Skenadore, Gina Powless Buenrostro, Jackie Smith, Rocky Hill, Carole Liggins, Kaylee Schuyler, Trina Schuyler, Quincy Granquist, Dan Webster, Marie Cornelius, Barbara Salutz, Carol Elm, Majorie Stevens, Misty Herzog, Josh, Gerzetich, Ann McCotter, Mitchel Metoxen, Katsi Danforth, Nova Danforth, Bill Gollnick, Bonnie Pigman, Nadine Escamea, Alyssa Perkins, Emma King, Dr. Rosa King, Margaret King, Garth Webster, Daniel Doyen, Mark W. Powless, Kanani Nunies, Ululan Ninies, Beverly DeCoteau, Lexi Sickles, Laura Manthe, Tina Jorgensen, Stephanie Miscavitch VanEvery, Mark A. Powless Sr., and others. The Legislative Operating Committee held a community meeting regarding

the Elder Protection law, the Oneida Language law, and the Higher Education Scholarship Law.

- 12/20/23:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to discuss and debrief the December 6<sup>th</sup> community meeting – such as what went well, what could be improved, and the comments and input received.
- 10/4/24:** *Work Meeting.* Present: Kelly Mc Andrews, Grace Elliott. The purpose of this meeting was to provide an opportunity for the OLO to share any concerns or preferences they might have regarding the elder protection law with the LRO.
- 10/7/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Tina Jorgensen, Sandra Skenandore, Neoma Orsburn, Maureen Perkins, Mark Powless, Kelly Mc Andrews, Fawn Billie, Eric Boulanger, Claudia Skenandore, Carol Liggins, Carrie Lindsey, Jodi Tess, Kristal Hill, Fawn Cottrell, Grace Elliott, Amber Martinez. The purpose of this meeting was to begin discussions on the development of Elder/Vulnerable Adult Protection Law for the Nation. Topics included; identifying what issues the Nation is facing, the intended purpose of the law and how this law can address the issues.
- 10/18/24 :** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Kristal Hill, Fawn Billie, Fawn Cottrell, Maureen Perkins, Grace Elliott. The purpose of this meeting was to discuss the intended scope of the Elder Protection law.
- 11/26/24:** *Community Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Grace Elliott, Jodi Tess, Eli Metoxen, and eight Oneida elders. The purpose of this meeting was for the LOC to gather feedback from Oneida elders about what topics they would like an elder protection law to address.
- 12/3/24:** *Work Meeting.* Present: Clorissa Leeman, Tina Jorgenson, Jodi Tess, Kelly McAndrews, Carrie Lindsey, Eric Boulanger, Eli Metoxen, Fawn Billie, Marlon Skenandore. The purpose of this meeting was to review reporting sections from various tribal elder protection laws and discuss which provisions might be appropriate for Oneida.
- 1/9/25:** *Work Meeting.* Present: Clorissa Leeman, Tina Jorgenson, Jodi Tess, Kelly McAndrews, Carrie Lindsey, Mark Powless, Fawn Billie, Marlon Skenandore. The purpose of this meeting was to review options for how citations might be addressed within an elder protection law.
- 1/17/25:** *Work Meeting.* Present: Andrea Gage, Grace Elliott. The purpose of this meeting was to collaborate with the new attorney who has previous legal experience practicing elder protection law.
- 2/3/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Kristal Hill, Maureen Perkins, Grace Elliott, Carolyn Salutz,

Fawn Billie. The purpose of this work meeting was to select the topics for the March 5<sup>th</sup> LOC community meeting. The LOC decided the topics to be discussed should include Elder Protection law, Indian Preference in Contracting law amendments, and Hunting, Fishing, and Trapping law amendments.

- 2/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review laws of the Nation as they apply to elder protection.
- 2/18/25:** *Work Meeting.* Present: Tina Jorgensen, Jodi Tess, Shelly Hill, Adriana Chacon, Carrie Lindsey, Mark Powless, Fawn Billie, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to review laws of the Nation as they apply to elder protection.
- 2/19/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting is to consider the infrastructure that may support an elder protection law.
- 3/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Metoxen, - Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review the PowerPoint presentation for the March 19<sup>th</sup> LOC community meeting.
- 3/19/25:** *Community Meeting.* Present: The Legislative Operating Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the development of an Elder Protection law.
- 3/27/25:** *Work Meeting.* Present: Mary Loeffler, Richard Baird, Carrie Lindsey, Layatalati Hill, Jodi Tess, Andrea Gage, Joyce Johnson, Diane Polzak, Claudia Skenandore, Barbra Cornelius, Grace Elliott. The purpose of this meeting was to review information related to investigations conducted based on reports of potential elder abuse.
- 4/18/25:** *Work Meeting.* Present: Kelly McAndrews, Andrea Gage, Grace Elliott. The purpose of this meeting was to discuss the processes outlined in Oneida Elder Service's MOUs with the counties for handling elder abuse investigations.
- 4/24/25:** *Work meeting.* Present: Kelly McAndrews, Andrea Gage, Jodi Tess, Grace Elliott. The purpose of this meeting was to discuss how Oneida is currently handling investigations into elder abuse and what it might be ideal to include in an Elder Protection law.
- 6/6/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Kristal Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting is to provide an update to the LOC on the status of the Elder Protection law.

- 6/12/25:** *Work Meeting.* Present: Eric Boulanger, Ronald King, Jodi Tess, Carrie Lindsey, Andrea Gage, Tina Jorgenson, Kelly McAndrews, Fawn Billie, Grace Elliott. The purpose of this meeting was to review the investigation section of the Elder Protection law and discuss how Oneida Aging and Disability might be empowered to fulfil a more active role. Potential solutions brought forward by the team included hiring additional staff.
- 7/29/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Tina Jorgensen, Mark Powless, Eric Boulanger, Andrea Gage, Carrie Lindsey, Jodi Tess, Grace Elliott. The purpose of this meeting was to discuss multidisciplinary teams and confidentiality.
- 10/8/25:** *Work Meeting.* Present: Tina Jorgenson, Jodi Tess, Breanna Phillips, Grace Elliott. The purpose of this meeting was to discuss the roles stakeholders would like to see Oneida Aging and Disability and county partners to play in the elder protection process.
- 11/5/25:** *Work Meeting.* Present: Tina Jorgenson, Carrie Lindsey, Jodi Tess, Breanna Phillips, Grace Elliott, Mark Powless. The purpose of this meeting was to review the draft of elder protection law.
- 11/21/25:** *Work Meeting.* Present: Grace Elliott, Kelly McAndrews. The purpose of this meeting was to review any questions, concerns, or suggestions from the law office regarding the draft elder protection law.
- 12/1/25:** *Work Meeting.* Present: Jameson Wilson, Tina Jorgenson, Carrie Lindsey, Jodi Tess, Breanna Phillips, Grace Elliott, Mark Powless. The purpose of this meeting was to review the draft of elder protection law.
- 12/16/25:** *Work Meeting.* Present: Grace Elliott, Amber Martinez, ONCOA. The purpose of this meeting was for the drafting attorney to provide an update on the development of the Elder Protection Law to ONCOA and listen to any feedback they had. ONCOA expressed strong support for the draft law.
- 1/26/26:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Mark Powless, Carrie Lindsey, Eric Boulanger, Tina Jorgenson, Jodi Tess, Breanna Phillips, Kristal Hill, Fawn Cottrell. The purpose of this meeting was to complete a final readthrough of the draft elder protection law and review next steps which include reviewing scenarios for process next Monday, sharing the draft with ONCOA, and presenting the draft to the LOC for initial approval at the next scheduled LOC meeting.
- 2/2/26:** *Work Meeting.* Present: Tina Jorgenson, Jodi Tess, Mark Powless, Ronald King, Joel Maxam, Grace Elliott. The purpose of this meeting was to review hypothetical elder protection scenarios against the draft Elder Protection law.
- 2/4/26 LOC:** Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. Motion by Jennifer Webster to approve the draft of the Elder

Protection law with noted change, and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried unanimously.

**3/4/26 LOC:** Motion by Jonas Hill to approve the legislative analysis and the public meeting packet for the Elder Protection Law and forward to a public meeting to be held on April 16, 2026; seconded by Kirby Metoxen. Motion carried unanimously.

**4/16/26:** *Public Meeting Held.* Present: Jennifer Webster, Jonas Hill, Carolyn Salutz, Grace Elliott, Nancy Barton, Judy Sprangers, Tina Jorgensen, Jodi Tess, Melinda Danforth, Barbra Cornelius, Cathy Metoxen, Mary Loeffler, via Teams Clorissa Leeman, Rae Skenandore, Lisa Duff, Margaret Kruse, Efren Rivera, Melissa Alvarado, Bonnie Pigman, Shad Webster, Michelle Tipple, Diane Wilson, Eric Boulanger, Nacy Barton, Joel Maxam, Alyssa Hudak, Carrie Lindsey, Sarah Miller, Mark Powless, Debra Santiago. Four (4) individuals provided oral comments.

**4/23/26:** *Public Comment Period Closes.* Three (3) individuals provided written comments.

**5/6/26LOC:** Motion by Jennifer Webster to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Jonas Hill. Motion carried unanimously.


**5/6/26:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this work session was for the LOC to consider public comments on the Elder Protection law.

**5/20/26 LOC:** Motion by Jennifer Webster to approve the public comment review memorandum with LOC consideration, the updated legislative analysis, and final draft of the Elder Protection law; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum and direct the Finance Department to provide the LOC with a fiscal impact statement of the proposed Elder Protection law by June 5, 2026; seconded by Jonas Hill. Motion carried unanimously.

#### **Next Steps:**

- Approve the adoption packet for the Elder Protection law and forward to the Oneida Business Committee for consideration.

TO: Oneida Business Committee  
 FROM: Jameson Wilson, LOC Chairperson   
 DATE: July 08, 2026  
 RE: Adoption of the Elder Protection Law

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Please find the following attached backup documentation for your consideration of the adoption of Elder Protection Law:

1. Resolution: Elder Protection Law
2. Statement of Effect: Elder Protection Law
3. Elder Protection Law Legislative Analysis
4. Elder Protection Law Draft (Clean)
5. Elder Protection Law Fiscal Impact Statement

#### *Overview*

The purpose of the Elder Protection law is to uphold the Nation's responsibility to honor and protect its elders. This law establishes a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation and affirms the Nation's cultural responsibility to honor, respect, and preserve elder wellbeing. [7 O.C. 706.1-1; 706.1-2]. The Elder Protection Law will:

- Establish a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation. [7 O.C. 706.1-1(a)–(c)].
- Establish an Interdisciplinary Team composed of multiple Nation departments to coordinate case review, guide investigations, recommend actions, promote cooperation, and identify resources. [7 O.C. 706.4-1; 706.4-5].
- Establish a duty to report suspected elder abuse, neglect, and exploitation. The law requires any person with knowledge or reasonable suspicion of abuse, neglect, self-neglect, or exploitation of an elder to report immediately to Aging & Disability Services or the Oneida Police Department. [7 O.C. 706.5-2].
- Create a broad class of mandated reporters, including family, caretakers, elected officials, employees, healthcare workers, mental health professionals, social workers, law enforcement, judicial staff, and fiduciaries. [7 O.C. 706.5-2(a)–(d)].
  - Good-faith reporters receive immunity. [7 O.C. 706.5-4].
  - Non-mandated reporters may remain anonymous. [7 O.C. 706.5-3].
- Establish civil penalties:
  - A mandated reporter who fails to report may be fined up to \$2,000. [7 O.C. 706.5-5(a)].
  - Anyone who knowingly files a false report may be fined up to \$2,000. [7 O.C. 706.5-6(a)].
  - Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence. [7 O.C. 706.6-9(c)].

- Provide investigation procedures requirements including that they must begin promptly and include required steps such as:
  - Visiting the elder’s residence;
  - Observing the elder;
  - Conducting interviews;
  - Reviewing healthcare and financial records;
  - Interviewing guardians/caregivers;
  - Requesting law-enforcement assistance;
  - Offering or arranging needed services. [7 O.C. 706.6-1; 706.6-2; 706.6-4; 706.6-5].
- Authorize medical examinations under specified consent conditions or by court order. [7 O.C. 706.6-3].
- Authorize emergency protective actions, including protective placement, may be taken when necessary. [7 O.C. 706.6-6].
- Protect confidentiality and records. Departmental report forms and investigative records are confidential and may only be disclosed under limited circumstances, such as to the elder, suspect, service providers, law enforcement, auditors, and through court order. [7 O.C. 706.6-7(a)–(i)].
- Provide that records must be retained for five years. [7 O.C. 706.6-8(c)].
- Affirm elders’ rights to:
  - Notice of an investigation unless emergency conditions exist. [7 O.C. 706.7-1(a)].
  - Refuse services if they have capacity. [7 O.C. 706.7-1(b)].
  - Protect their property rights, including the right to deny entry. [7 O.C. 706.7-1(c)–(d)].
  - Representation by counsel at their own expense. [7 O.C. 706.7-1(e)].
- Provide for rights of the accused to refuse services for themselves, refuse entry (subject to warrant), and obtain counsel at their own expense. [7 O.C. 706.7-2(a)–(c)].
- Grant the Oneida Trial Court jurisdiction over all actions under this law. [7 O.C. 706.8-1]. Personal jurisdiction extends to members of the Nation and Nation employees. [7 O.C. 706.8-1].

The Legislative Operating Committee developed the proposed Elder Protection Law through collaboration with representatives from Aging and Disability, Comprehensive Health Division, Oneida Police Department, Oneida Law Office, Oneida Nation Commission on Aging, Oneida Judiciary, Government Administration Office and CEO. The Legislative Operating Committee held thirty (30) work meetings on the development of the Elder Protection Law.

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

The Legislative Operating Committee held a public meeting on the proposed Elder Protection Law on April 16, 2025. Four (4) individuals provided public comments during this public meeting. The public comment period was then held open until April 23, 2026. Three (3) individuals provided written comments during the public comment period.

The Elder Protection Law will become effective August 03, 2026.

**Requested Action**

Adopt the Resolution: Elder Protection Law.

**Title 7. Children, Elders & Family - Chapter 706**  
**ELDER PROTECTION**

706.1. Purpose and Policy  
706.2. Adoption, Amendment, Repeal  
706.3. Definitions  
706.4. Interdisciplinary Team

706.5. Reporting  
706.6. Investigation  
706.7. Rights of Parties  
706.8. Jurisdiction

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1 **706.1. Purpose and Policy**

2 706.1-1. *Purpose.* The purpose of this law is to uphold the Nation’s responsibility to honor and  
3 protect its elders. This law establishes a process to safeguard elders from harm, including abuse,  
4 neglect, self-neglect, and exploitation. This process includes:

- 5 (a) reporting concerns of abuse, neglect, self-neglect, and exploitation of elders;  
6 (b) investigating reports to ensure the safety and well-being of elders; and  
7 (c) providing services and support for elders who require protection from abuse, neglect,  
8 self-neglect, and exploitation.

9 706.1-2. *Policy.* It is the policy of the Nation to honor, respect, and protect its elders. The Nation  
10 recognizes that elders possess unique and irreplaceable stores of knowledge, skill, and experience  
11 that enhance and enrich the lives of the entire Nation. The interests of the Nation, now and in the  
12 future, are advanced when its elders are confident that they are protected from abuse, neglect, self-  
13 neglect, and exploitation. In honoring these principles, the Nation embraces YukwatsístayΛ the  
14 fire, the animating spirit within each of us as a reminder that protecting our elders is an  
15 expression of who we are as a People and a reflection of The Good Mind we strive to uphold  
16 as expressed by OnΛyote’a’ka, which includes:

- 17 (a) Kahletsyalúsla. The heartfelt encouragement of the best in each of us.  
18 (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.  
19 (c) Ka’nikuhli·yó. The openness of the good spirit and mind.  
20 (d) Ka’tshatstásla. The strength of belief and vision as a People.  
21 (e) Kalihwi·yó. The use of the good words about ourselves, our Nation, and our future.  
22 (f) TwahwahtsílayΛ. All of us are family.  
23 (g) YukwatsístayΛ. Our fire, our spirit within each one of us.  
24

25 **706.2. Adoption, Amendment, Repeal**

26 706.2-1. This law was adopted by the Oneida Business Committee by resolution BC-\_\_-\_\_-\_\_-  
27 \_\_.

28 706.2-2. This law may be amended or repealed by the Oneida Business Committee or the General  
29 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

30 706.2-3. Should a provision of this law or the application thereof to any person or circumstances  
31 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
32 to have legal force without the invalid portions.

33 706.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
34 the provisions of this law shall control.

35 706.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
36

37 **706.3. Definitions**

38 706.3-1. This section shall govern the definitions of words and phrases used within this law. All  
39 words not defined herein shall be used in their ordinary and everyday sense.

- 40 (a) “Abuse” means any of the following:  
41 (1) Physical abuse.

- 42 (2) Emotional abuse.  
43 (3) Sexual abuse.  
44 (4) Treatment without consent.  
45 (5) Unreasonable confinement or restraint.
- 46 (b) “Bodily harm” means physical pain or injury, illness, or any impairment of physical  
47 condition.
- 48 (c) “Caregiver” means a person who has assumed responsibility for all or a portion of an  
49 individual’s care voluntarily, by contract, or by agreement, including a person acting or  
50 claiming to act as a legal guardian.
- 51 (d) “Case management” means an assessment of need for direct services, development of  
52 a direct service plan and coordination and monitoring of the provision of direct services.
- 53 (e) “Departmental report form” includes documentation of an elder-adult-at-risk agency’s  
54 response to or investigation of a report and is the information required to be submitted to  
55 the department.
- 56 (f) “Direct services” includes temporary shelter, relocation assistance, housing, respite  
57 care, emergency funds for food and clothing and legal assistance.
- 58 (g) “Elder-at-risk” means any person aged Fifty-Five (55) or older who has experienced, is  
59 currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial  
60 exploitation.
- 61 (h) “Elder-adult-at-risk agency” means Oneida Aging and Disability, or an agency  
62 designated by the county board of supervisors to receive, respond to, and investigate reports  
63 of abuse, neglect, self-neglect, and financial exploitation.
- 64 (i) “Emotional abuse” means language or behavior that serves no legitimate purpose and is  
65 intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing,  
66 and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise  
67 harass the individual to whom the conduct or language is directed.
- 68 (j) “Financial exploitation” means any of the following:  
69 (1) Obtaining an individual’s money or property by deceiving or enticing the  
70 individual, or by forcing, compelling, or coercing the individual to give, sell at less  
71 than fair market value, or in other ways convey money or property against his or  
72 her will without his or her informed consent.  
73 (2) Theft.  
74 (3) The substantial failure or neglect of a fiscal agent to fulfill his or her  
75 responsibilities.  
76 (4) Unauthorized use of an individual’s personal identifying information or  
77 documents.  
78 (5) Unauthorized use of an entity’s identifying information or documents.  
79 (6) Forgery.  
80 (7) Financial transaction card crimes.
- 81 (k) “Investigative agency” means Oneida Aging and Disability, a law enforcement or a  
82 city, town, village, county, or state governmental agency or unit with functions relating to  
83 protecting health, welfare, safety, or property, including an agency concerned with animal

84 protection, public health, building code enforcement, consumer protection, or insurance or  
85 financial institution regulation.

86 (l) “Nation” means the Oneida Nation.

87 (m) “Neglect” means the failure of a caregiver, as evidenced by an act, omission, or course  
88 of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an  
89 individual, including food, clothing, shelter, or physical or mental health care, and creating  
90 significant risk or danger to the individual’s physical or mental health. “Neglect” does not  
91 include a decision that is made to not seek medical care for an individual, if that decision  
92 is consistent with the individual’s previously executed declaration or do-not-resuscitate  
93 order as authorized by law.

94 (n) “Physical abuse” means the intentional or reckless infliction of bodily harm.

95 (o) “Record” includes any document relating to the response, investigation, assessment,  
96 and disposition of a report made under this law.

97 (p) “Self-neglect” means a significant danger to an individual’s physical or mental health  
98 because the individual is responsible for his or her own care but fails to obtain adequate  
99 care, including food, shelter, clothing, or medical or dental care.

100 (q) “Sexual abuse” means a violation of Wisc. Stat. 940.225(1), (2), (3), or (3m).

101 (r) “Treatment without consent” means the administration of medication to an individual  
102 who has not provided informed consent, or the performance of psychosurgery,  
103 electroconvulsive therapy, or experimental research on an individual who has not provided  
104 informed consent, with the knowledge that no lawful authority exists for the administration  
105 or performance.

106 (s) “Unreasonable confinement or restraint” includes the intentional and unreasonable  
107 confinement of an individual in a locked room, involuntary separation of an individual  
108 from his or her living area, use on an individual of physical restraining devices, or the  
109 provision of unnecessary or excessive medication to an individual, but does not include the  
110 use of these methods or devices in entities regulated by the department if the methods or  
111 devices are employed in conformance with state and federal standards governing  
112 confinement and restraint.

113 (t) “Retaliation” means intimidating, threatening to cause or causing bodily, emotional,  
114 property, or financial harm.

#### 115 116 **706.4. Interdisciplinary Team**

117 706.4-1. *Composition.* The Interdisciplinary Team consists of representatives from Aging and  
118 Disability Services, Oneida Police Department, Comprehensive Health Division, Oneida  
119 Behavioral Health, Oneida Law Office, Oneida Community Resource and Economic Support,  
120 Comprehensive Housing Department, Oneida Family Services, and any additional agencies  
121 designated by the Team as necessary to fulfill its duties.

122 706.4-2. *Confidentiality.* All members of the Interdisciplinary Team shall maintain strict  
123 confidentiality regarding all matters that come before the team. No member may disclose any  
124 information except as expressly authorized under this law.

125 (a) *Purpose-Based Disclosure.* Members may use or disclose confidential information

126 only as necessary to perform duties under this law, including prevention, identification,  
127 investigation, or mitigation of elder abuse, neglect, exploitation, or self-neglect.

128 (b) *HIPAA Exception for Harm Prevention*. When a member is subject to HIPAA, the  
129 member may share protected health information with the Team under the exception  
130 permitting disclosure to prevent or lessen a serious and imminent threat to the health or  
131 safety, provided that:

132 (1) the disclosure is made in good faith to prevent or address abuse, neglect, or  
133 exploitation; and

134 (2) the disclosure is limited to persons reasonably able to prevent or mitigate the  
135 threatened harm, including members of the Interdisciplinary Team acting within  
136 their authority under this law.

137 (c) *Minimum-Necessary Standard*. Any disclosure shall be limited to the minimum  
138 information necessary for the Team to perform its duties.

139 (d) *Selective Participation*. Only members whose roles are relevant to a specific case  
140 shall access confidential information for that case.

141 (e) *Redisclosure Prohibited*. Information received through the Team may not be further  
142 disclosed except as required to perform professional duties related to the case or as  
143 otherwise authorized by law.

144 (f) *Conflict of Interest*. Members with a personal conflict, familial relationship, or other  
145 circumstance that may compromise confidentiality, or objectivity shall recuse  
146 themselves from case discussions.

147 706.4-3. *Reporting to Licensing Agencies*. The Team may report to a licensing agency any  
148 concerns that a regulated person has failed to comply with mandatory reporting requirements under  
149 this law or has abused or neglected an elder. The Team may also report concerns to the person's  
150 employer.

151 706.4-4. *Law Enforcement Assistance*. The Team may request assistance from the Oneida Police  
152 Department in investigating allegations of elder abuse or neglect and shall notify the Department  
153 of any allegations of criminal abuse or neglect.

154 706.4-5. *Duties*: The Team shall meet periodically and:

155 (a) guide investigations of reported elder abuse;

156 (b) review reports from adult protection workers and determine whether an Oneida elder is  
157 in danger of harm;

158 (c) recommend actions to adult protection workers and to the Court to promote the care of  
159 elders;

160 (d) determine whether a legal action should be initiated by the Nation;

161 (e) determine whether an elder should be removed from the person's home temporarily or  
162 permanently;

163 (f) recommend placement options when an elder cannot remain in their home;

164 (g) identify available community resources, programs, and services;

165 (h) promote cooperation, communication, and consistency between agencies;

166 (i) assist in developing and implementing plans to promote the long-term wellbeing of

167 elders and their families.

168 706.4-6. *Decision-Making*. Decisions shall be made by consensus of members present at a duly  
169 noticed meeting.

170 706.4-7. *Notice of Meetings*. Notice of regularly scheduled meetings is presumed complete upon  
171 scheduling. Notice of emergency meetings shall be provided at least twenty-four (24) hours in  
172 advance by email, text, or phone call/voicemail.

173 706.4-8. *Family and Community Engagement*. The Team shall prioritize resolving issues of abuse  
174 or neglect through family and community assistance and may convene meetings with designated  
175 family and community members for this purpose.

176 706.4-9. *Funding Authority*. The Team may solicit and accept grants or funds from federal, state,  
177 tribal, and local governments and private sources to further the purposes of this law.

178 706.4-10. *Administrative Support*. Aging and Disability Services shall serve as the Team's primary  
179 contact, organize meetings, and maintain records.

180 706.4-11. *Subject Matter Experts*. The Team may engage subject matter experts from any entity  
181 necessary to access resources required to fulfill its duties.

182

### 183 **706.5. Reporting**

184 706.5-1. *Duty to Report*. Any person who knows or has reasonable cause to suspect that an elder  
185 is being or has been abused, neglected, self-neglected, or exploited shall immediately report the  
186 information to the Oneida Police Department or Oneida Aging and Disability Services, unless  
187 prohibited by a legally recognized privilege. Individuals bound by a privileged relationship may  
188 only make an anonymous disclosure if there is an urgent need for hospitalization, guardianship,  
189 protective services, or protective placement.

190 706.5-2. *Mandated Reporters*. The following individuals have a mandated duty to report suspected  
191 abuse, neglect, self-neglect, and exploitation of elders:

192 (a) The elder's family members or caretakers;

193 (b) Any elected official of the Nation;

194 (c) Any employee of the Nation, including but not limited to:

195 (1) physicians, surgeons, dentists, podiatrists, chiropractors, nurses, dental  
196 hygienists, optometrists, medical examiners, emergency medical technicians,  
197 paramedics, or other health care providers;

198 (2) psychiatrists, psychologists, or psychological assistants;

199 (3) licensed or unlicensed social workers, professional counselors, or marriage and  
200 family therapists;

201 (4) persons employed in the mental or behavioral health profession;

202 (5) persons employed as physical or occupational therapists, or their assistants;

203 (6) law enforcement officers;

204 (7) judges, attorneys, court counselors, clerks of court, and other judicial system  
205 officials or staff;

206 (d) Any person or agency with fiduciary responsibilities to an elder, such as accountants,  
207 property managers, financial advisors, or financial institutions.

208 706.5-3. *Anonymous Reports*. Except for mandated reporters identified in section 706.5-2, any

209 person reporting elder abuse, neglect, self-neglect, or exploitation may remain anonymous.

210 706.5-4. *Immunity from Liability.* Any person who in good faith, reports suspected abuse, neglect,  
211 self-neglect, or exploitation of an elder shall be immune from any legal action arising from that  
212 report.

213 706.5-5. *Civil Penalty for Failure to Report.*

214 (a) Any person required by this law to report suspected elder abuse, neglect, self-neglect,  
215 or exploitation who fails to do so is subject to a civil penalty not to exceed two thousand  
216 dollars (\$2,000).

217 (b) The Court shall impose the penalty only after petition, notice, an opportunity for  
218 hearing, and a determination that the person had a mandated duty to report and failed to  
219 comply.

220 (c) A person who fails to report may also be subject to civil liability for damages suffered  
221 by the elder as a result of the failure to report, notwithstanding any determination by the  
222 Court regarding violation of this law.

223 706.5-6. *Civil Penalty for Bad Faith Reports.*

224 (a) Any person who knowingly makes a false report of suspected abuse, neglect, self-  
225 neglect, or exploitation is subject to a civil penalty not to exceed two thousand dollars  
226 (\$2,000).

227 (b) The Court shall impose the penalty only after petition, notice, an opportunity for  
228 hearing, and a determination that the person knowingly made a false report.

229 (c) A person making a false report may also be subject to civil liability for damages suffered  
230 by the person(s) named in the false report.

231 706.5-7. *Report Requirements.* Reports of suspected elder abuse, neglect, self-neglect, or  
232 exploitation shall be made to the Oneida Police Department or Oneida Aging and Disability  
233 Services.

234 (a) Oral reports shall be immediately documented in writing by the Director or designee.

235 (b) Anonymous reports shall be investigated as required by this law.

236 (c) Written reports shall include, if available:

237 (1) The elder's name, address or location, and telephone number;

238 (2) The name, address or location, and telephone number of the person(s) or  
239 agency suspected of abuse, neglect, or exploitation;

240 (3) The nature and degree of any limitations of the elder;

241 (4) The name, address or location, and telephone number of the elder's caretaker,  
242 if applicable;

243 (5) The name, address or location, and telephone number of any witnesses;

244 (6) A description of the acts reported as abusive, neglectful, or exploitative;

245 (7) Any other information that may assist in determining abuse, neglect, self-  
246 neglect, or exploitation;

247 (8) The name, address, and telephone number of the reporter for follow-up  
248 purposes, unless the report is anonymous.

249

250 **706.6. Investigation**

251 706.6-1. *Initiation of Investigations.* Upon receipt of a report alleging abuse, financial  
252 exploitation, neglect, or self-neglect of an elder adult at risk who is believed to be an Oneida Elder,  
253 the Oneida Aging and Disability Designee shall promptly coordinate with appropriate elder-at-risk  
254 agencies. The Oneida Aging and Disability Designee shall take all reasonable steps to ensure  
255 timely and organized action to protect the elder while maintaining active involvement throughout  
256 the investigative process.

257 706.6-2. *Minimum Investigative Actions.* The elder-adult-at-risk agency's response shall include  
258 one or more of the following:

- 259 (a) A visit to the elder's residence;  
260 (b) Observation of the elder, with or without consent of a guardian or agent under an  
261 activated power of attorney for health care, if any;  
262 (c) A private interview with the elder, to the extent practicable, with or without consent of  
263 a guardian or agent under an activated power of attorney for health care, if any;  
264 (d) An interview with the guardian or agent under an activated power of attorney for health  
265 care, if any, and with any caregiver;  
266 (e) A review of the elder's treatment and health care records;  
267 (f) A review of the elder's financial records maintained by a financial institution, entity,  
268 caregiver, or immediate family member. Financial records shall be released without  
269 informed consent under either of the following circumstances:  
270 (1) To an elder-adult-at-risk agency or other investigative agency under this section,  
271 including voluntary disclosure by the record holder;  
272 (2) Pursuant to a lawful court order.

273 706.6-3. *Medical Examination.* The elder-adult-at-risk agency may transport the elder adult at risk  
274 for a medical examination by a physician if:

- 275 (a) The elder adult at risk or his or her guardian or agent under an activated power of  
276 attorney for health care consent; or  
277 (b) The elder is incapable of consenting and one of the following applies:  
278 (1) The elder has no guardian or agent under an activated power of attorney for  
279 health care;  
280 (2) The guardian or an agent under an activated power of attorney for health care,  
281 is suspected of abuse, neglect, or financial exploitation;  
282 (3) The examination is authorized by court order.

283 706.6-4. *Law Enforcement Assistance.* The elder-at-risk agency may request law enforcement  
284 assistance during visits to the elder's residence or as otherwise necessary. Upon request, a law  
285 enforcement officer shall accompany the agency investigator and provide assistance as needed.

286 706.6-5. *Offer of Services and Referrals.* Upon responding to a report, the elder-at-risk agency  
287 shall determine whether the elder or any other individual involved requires services. The agency  
288 shall provide or arrange for necessary services under the least restrictive conditions appropriate to  
289 achieve the intended objectives.

290 706.6-6. If, after responding to a report, the elder-adult-at-risk agency has reason to believe that  
291 abuse, financial exploitation, neglect, or self-neglect has occurred, the agency may:

- 292 (a) Request immediate assistance to initiate protective services or contact an investigative  
293 agency;
- 294 (b) Take emergency protective action, including emergency protective placement, if in the  
295 elder's best interests and the least restrictive intervention;
- 296 (c) Refer the case to law enforcement or the district attorney, if a crime is suspected.
- 297 (d) Refer the case to licensing or regulatory authorities if the residence, facility, or program  
298 is or should be regulated;
- 299 (e) Refer the case to the Department of Safety and Professional Services if a credentialed  
300 individual is involved;
- 301 (f) Refer the case to the Department of Financial Institutions if financial exploitation  
302 involves a registered individual or entity;
- 303 (g) Petition for guardianship, protective services, or protective placement or seek review  
304 of an existing guardianship if necessary to prevent harm.

305 706.6-7. *Confidentiality.* Departmental report forms are confidential and may not be released  
306 except:

- 307 (a) To the elder, any person named as a suspect, and the suspect's attorney, excluding the  
308 identity of the reporter or any person whose safety may be endangered.
- 309 (b) To agencies or entities providing assistance, subject to confidentiality requirements;
- 310 (c) To individuals or organizations designated for audits or program evaluation, provided  
311 identifying information is not disclosed;
- 312 (d) Pursuant to a lawful court order;
- 313 (e) To agencies or individuals providing direct services, including attending physicians, for  
314 purposes of diagnosis, treatment, or coordination of care;
- 315 (f) To the guardian of the elder adult at risk or the guardian of any person named in a report  
316 who is suspected of abuse, neglect, or financial exploitation. These individuals may inspect  
317 the report, except that identifying information about the reporter or any person whose  
318 safety may be endangered by disclosure shall not be released;
- 319 (g) To law enforcement officials as necessary to carry out their duties, in accordance with  
320 applicable internal policies and this law;
- 321 To the Oneida Interdisciplinary Team, a federal agency, state or local governmental unit,  
322 or an agency of another state that requires the report to fulfill its responsibility to protect  
323 elder adults at risk from abuse, neglect, exploitation, or self-neglect;
- 324 (i) To the individual who made the report in a professional capacity, for the limited purpose  
325 of informing them of actions taken to protect or provide services to the alleged victim.

326 706.6-8. *Written Investigative Report.*

- 327 (a) The Oneida Aging and Disability Designee shall provide a written investigative report  
328 and file it with Oneida Aging and Disability Services.
- 329 (b) The report shall include all pertinent information obtained during the investigation,  
330 including interviews, observations, assessments, and other relevant facts.
- 331 (c) The report shall remain on file for five (5) years, even if insufficient evidence exists to  
332 pursue legal action.
- 333 (d) If the allegations are substantiated, Oneida Aging and Disability Services may mediate

334 a resolution or forward the matter to the Oneida Law Office for legal action.

335 706.6-9. *Interference with Investigation and Retaliation.*

336 (a) No person shall intentionally interfere with a lawful investigation of suspected elder  
337 abuse, neglect, self-neglect, or exploitation.

338 (b) No person shall retaliate against any individual who, in good faith, reports suspected  
339 abuse or cooperates with an investigation.

340 (c) Any person who interferes with or retaliates shall be subject to a civil penalty of up to  
341 two thousand dollars (\$2,000) per occurrence. The Court shall impose the penalty only  
342 after petition, notice, an opportunity for hearing, and a determination that interference or  
343 retaliation occurred.

344 (d) Notice of the Court's determination shall be provided to the person's employer and any  
345 relevant licensing agencies. If the violator is an employee of the Nation, disciplinary action  
346 shall be imposed consistent with Nation employment laws.

347 706.6-10. *Criminal Investigation.* Any investigation or procedure under this law may continue  
348 concurrently with a criminal investigation. Oneida Aging and Disability Services shall cooperate  
349 with law enforcement to ensure the criminal investigation is not compromised.

350

## 351 **706.7. Rights of Parties**

352 706.7-1. *Rights of Elders.* An elder shall have the following rights:

353 (a) *Notice of Investigation.* An elder has the right to be informed about an elder abuse  
354 investigation before it begins unless an emergency exists, in which case the elder shall  
355 be informed as soon as possible, but not later than one (1) business day after the  
356 investigation begins.

357 (b) *Refusal of Services.* An elder has the right to refuse to accept elder protective  
358 services (even if there is good cause to believe that the elder has been or is being  
359 abused, neglected, self-neglected, or exploited) provided that the elder is able to care  
360 for himself or herself and/or has the capacity to understand the nature of the services  
361 offered.

362 (c) *Property Rights.* An elder who owns or lawfully occupies property retains the right  
363 to exclude others from their premises, subject to applicable law. This includes the right  
364 to deny entry to any individual, except as otherwise authorized by court order or  
365 warrant.

366 (d) *Right to Exclude Entry.* An elder has the right to refuse the Oneida Aging and  
367 Disability Designee entrance into their home. The Oneida Aging and Disability Designee  
368 shall inform the elder of this right before seeking entry and shall also inform the elder  
369 of the Oneida Aging and Disability Designee's authority to seek a warrant to gain access.

370 (e) *Representation by Counsel.* The elder has the right to be represented by counsel at  
371 his or her own expense at all proceedings.

372 (1) If the elder seeks to proceed independently, then the elder may retain private  
373 counsel to represent himself or herself at his or her own cost or proceed without  
374 counsel (pro se).

375 (2) If the elder seeks to have the assistance of the Oneida Aging and Disability

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376 in filing the Petition, then Oneida Aging and Disability and the Oneida Law  
377 Office shall make a determination on whether a legal claim exists and then  
378 make a determination on how to proceed.

379 **706.7-2. Rights of the Accused.**

380 (a) *Refusal of Services.* The accused may refuse services offered by Oneida Aging and  
381 Disability Services for themselves but may not refuse services offered to the elder.

382 (b) *Right to Deny Entry.* The accused may refuse entry to their home by the Oneida  
383 Aging and Disability Designee. Before seeking entry, the Oneida Aging and Disability  
384 Designee shall inform the accused of this right and shall also advise the accused that  
385 the Oneida Aging and Disability Designee may seek a warrant to gain access if  
386 necessary.

387 (c) *Representation by Counsel.* The accused has the right to be represented by counsel  
388 at their own expense in all proceedings under this law.

389

390 **706.8. Jurisdiction**

391 706.8-1. The Oneida Trial Court has jurisdiction over any action brought under this law.  
392 Personal jurisdiction over an individual under this law may be established where the parties  
393 are members of the Nation, or employees of the Nation.

394

395 *End.*

396

398 Adopted – BC- \_ \_ \_ \_

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## ELDER PROTECTION LAW LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Legislation or Amendments</b>	<ul style="list-style-type: none"> <li>▪ Provide definitions to form the foundation for consistent enforcement. [7 O.C. 706.1-3].</li> <li>▪ Establish a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation. [7 O.C. 706.1-1(a)–(c)].</li> <li>▪ Establish an Interdisciplinary Team composed of multiple Nation departments to coordinate case review, guide investigations, recommend actions, promote cooperation, and identify resources. [7 O.C. 706.4-1; 706.4-5].</li> <li>▪ Establish a duty to report suspected elder abuse, neglect, and exploitation. The law requires any person with knowledge or reasonable suspicion of abuse, neglect, self-neglect, or exploitation of an elder to report immediately to Aging &amp; Disability Services or the Oneida Police Department. [7 O.C. 706.5-2].</li> <li>▪ Create a broad class of mandated reporters, including family, caretakers, elected officials, employees, healthcare workers, mental health professionals, social workers, law enforcement, judicial staff, and fiduciaries. [7 O.C. 706.5-2(a)–(d)].             <ul style="list-style-type: none"> <li>▪ Good-faith reporters receive immunity. [7 O.C. 706.5-4].</li> <li>▪ Non-mandated reporters may remain anonymous. [7 O.C. 706.5-3].</li> </ul> </li> <li>▪ Establish civil penalties:             <ul style="list-style-type: none"> <li>▪ A mandated reporter who fails to report may be fined up to \$2,000. [7 O.C. 706.5-5(a)].</li> <li>▪ Anyone who knowingly files a false report may be fined up to \$2,000. [7 O.C. 706.5-6(a)].</li> <li>▪ Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence. [7 O.C. 706.6-9(c)].</li> </ul> </li> <li>▪ Provide investigation procedures requirements including that they must begin promptly and include required steps such as:             <ul style="list-style-type: none"> <li>▪ Visiting the elder’s residence;</li> <li>▪ Observing the elder;</li> <li>▪ Conducting interviews;</li> <li>▪ Reviewing healthcare and financial records;</li> <li>▪ Interviewing guardians/caregivers;</li> <li>▪ Requesting law-enforcement assistance;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ Offering or arranging needed services. [7 O.C. 706.6-1; 706.6-2; 706.6-4; 706.6-5].</li> <li>▪ Authorize medical examinations under specified consent conditions or by court order. [7 O.C. 706.6-3].</li> <li>▪ Authorize emergency protective actions, including protective placement, may be taken when necessary. [7 O.C. 706.6-6].</li> <li>▪ Protect confidentiality and records. Departmental report forms and investigative records are confidential and may only be disclosed under limited circumstances, such as to the elder, suspect, service providers, law enforcement, auditors, and through court order. [7 O.C. 706.6-7(a)-(i)].</li> <li>▪ Provide that records must be retained for five years. [7 O.C. 706.6-8(c)].</li> <li>▪ Affirm elders’ rights to:           <ul style="list-style-type: none"> <li>▪ Notice of an investigation unless emergency conditions exist. [7 O.C. 706.7-1(a)].</li> <li>▪ Refuse services if they have capacity. [7 O.C. 706.7-1(b)].</li> <li>▪ Protect their property rights, including the right to deny entry. [7 O.C. 706.7-1(c)-(d)].</li> <li>▪ Representation by counsel at their own expense. [7 O.C. 706.7-1(e)].</li> </ul> </li> <li>▪ Provide for rights of the accused to refuse services for themselves, refuse entry (subject to warrant), and obtain counsel at their own expense. [7 O.C. 706.7-2(a)-(c)].</li> <li>▪ Grant the Oneida Trial Court jurisdiction over all actions under this law. [7 O.C. 706.8-1]. Personal jurisdiction extends to members of the Nation and Nation employees. [7 O.C. 706.8-1].</li> </ul>
<p><b>Purpose</b></p>	<p>The purpose of the Elder Protection law is to uphold the Nation’s responsibility to honor and protect its elders. This law establishes a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation and affirms the Nation’s cultural responsibility to honor, respect, and preserve elder wellbeing. [7 O.C. 706.1-1; 706.1-2].</p>
<p><b>Affected Entities</b></p>	<p>Comprehensive Health Division, Aging and Disability, Oneida Police Department, Oneida Judiciary, Oneida Law Office, Comprehensive Housing, Family Services.</p>
<p><b>Related Legislation</b></p>	<p>Judiciary law, Oneida Judiciary Rules of Civil Procedure, Public Peace law.</p>
<p><b>Enforcement</b></p>	<p>The Oneida Trial Court has jurisdiction over all actions under this law. [7 O.C. 706.8-1].</p> <ul style="list-style-type: none"> <li>▪ A mandated reporter who fails to report may be fined up to \$2,000. [7 O.C. 706.5-5(a)].</li> <li>▪ Anyone who knowingly files a false report may be fined up to \$2,000. [7 O.C. 706.5-6(a)].</li> <li>▪ Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence. [7 O.C. 706.6-9(c)].</li> </ul>

<p><b>Due Process</b></p>	<p>An accused person may refuse services for themselves, refuse entry (subject to warrant), and obtain counsel at their own expense. [7 O.C. 706.7-2(a)–(c)].</p> <p>An elder has the right to:</p> <ul style="list-style-type: none"> <li>▪ Notice of an investigation unless emergency conditions exist. [7 O.C. 706.7-1(a)].</li> <li>▪ Refuse services if they have capacity. [7 O.C. 706.7-1(b)].</li> <li>▪ Protect their property rights, including the right to deny entry. [7 O.C. 706.7-1(c)–(d)].</li> <li>▪ Representation by counsel at their own expense. [7 O.C. 706.7-1(e)].</li> </ul> <p>Penalties require petition, notice, hearing, and determination by the Court. [7 O.C. 706.5-5(b)–(c); 706.5-6(b)–(c); 706.6-9(c)].</p>
<p><b>Public Meeting</b></p>	<p>A public meeting was held on April 16, 2026, with the public comment period held open until April 23, 2026. Four (4) individuals provided oral comments during the public comment meeting, and three (3) individuals provided written comments.</p>
<p><b>Fiscal Impact</b></p>	<p>A fiscal impact statement prepared in accordance with the Legislative Procedures Act was provided by the Finance Department on June 3, 2026.</p>

**SECTION 2. LEGISLATIVE DEVELOPMENT**

- A. **Background.** The Elder Protection law is a new addition to the Oneida Nation Code of Laws.
- B. **Request for Amendments.** The Elder Protection law was added to the AFL in January 2023 by request of the Governmental Services Division Director for the purpose of developing a law which would protect elders of the Oneida community from abuse, neglect, and exploitation.

**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 Law Office;
  - Oneida Police Department;
  - Oneida Judiciary;
  - Comprehensive Health Division;
  - Government Administration Office;
  - Oneida Nation Commission on Aging (ONCOA);
  - Aging and Disability; and
  - General Manager.
- The following laws of the Nation were reviewed in the drafting of this analysis:
  - Public Peace law;
  - Citations;
  - Judiciary law; and

- Oneida Judiciary Rules of Civil Procedure.

## **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.
- On February 4, 2026 the LOC approved the draft of the Elder Protection law, with the noted change, and directed that a legislative analysis be completed.
- On April 16, 2026 the LOC held a public comment meeting on the draft Elder Protection law. The comment period was held open until April 23, 2026. Four (4) individuals provided oral comments during the public comment meeting and three (3) individuals provided written comments.
- On May 6, 2026 the LOC accepted the public comments and the public comment memo and deferred them to a work session for consideration.
- On May 6, 2026 the LOC held a work session to consider the public comments and the public comment memorandum for the draft Elder Protection law.
- On May 20, 2026 The LOC approved the public comment review memorandum with LOC consideration, the updated legislative analysis, and final draft of the Elder Protection law. The LOC also approved the fiscal impact statement request memorandum and directed the Finance Department to provide the LOC with a fiscal impact statement of the proposed Elder Protection law by June 5, 2026.

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

- November 27, 2023: LOC work session.
- December 6, 2023: LOC work session.
- December 6, 2023: Community Meeting.
- December 20, 2023: LOC work session.
- October 4, 2024: LRO work session with Oneida Law Office.
- October 7, 2024: LOC work session with ONCOA, CEO, Aging and Disability, and GAO.
- October 18, 2024: LOC work session.
- November 26, 2024: LOC work session at elder meal site with Aging and Disability, and community members.
- December 3, 2024: LOC work session with Aging and Disability, Oneida Police Department, Comprehensive Health Division, and Oneida Law Office.
- January 9, 2025: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, and Oneida Law Office.
- January 17, 2025: LRO and Oneida Law Office work session.
- February 3, 2025: LOC work session.

- February 5, 2025: LOC work session.
- February 18, 2025: LRO, Comprehensive Health, Aging and Disability, CEO and Family Services work session.
- February 19, 2025: LOC work session.
- March 5, 2025: LOC work session.
- March 19, 2025: Community meeting.
- March 27, 2025: LOC work session with ONCOA and community members.
- April 18, 2025: LRO and Oneida Law Office work session.
- April 24, 2025: LRO and Oneida Law Office work session.
- June 6, 2025: LOC work session.
- June 12, 2025: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, Oneida Police Department, and Oneida Law Office.
- July 29, 2025: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, Oneida Police Department, and Oneida Law Office.
- October 8, 2025: LRO and Aging and Disability work session.
- November 5, 2025: LRO, Aging and Disability, Comprehensive Health, and CEO work session.
- November 21, 2025: LRO and Oneida Law Office work session.
- December 1, 2025: LOC work session with Aging and Disability, CEO, and Comprehensive Health Division.
- December 18, 2025: LRO, ONCOA and GAO work session.
- January 26, 2026: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, and Oneida Police Department.
- May 6, 2026: LOC work session.

## SECTION 5. CONTENTS OF THE LEGISLATION

- **Definitions.** The Law provides detailed definitions for abuse types (physical, emotional, sexual), financial exploitation, neglect, self-neglect, caregiver, elder-adult-at-risk, investigative agency, record, bodily harm, retaliation, and other key terms. [7 O.C. 706.3].
  - **Effect.** Establishing a precise set of definitions ensures consistent interpretation across agencies, strengthens enforceability, and minimizes legal ambiguity. Clear terminology also enhances training, reporting accuracy, and coordinated responses among investigative agencies and service providers.
- **Interdisciplinary Team (IDT).** The Law creates an Interdisciplinary Team composed of representatives from Aging & Disability Services, OPD, Health, Behavioral Health, Law Office, Community Resource and Economic Support, Housing, Family Services, and others as designated. [7 O.C. 706.4-1]. The Team is responsible for coordinating investigations, reviewing reports, recommending services or protective actions, determining the need for legal action, advising on placement decisions, identifying resources, and fostering multi-agency cooperation. [7 O.C. 706.4-5]. The Law imposes

strict confidentiality, a HIPAA threat-prevention exception, a minimum-necessary standard, selective participation, and a prohibition on redisclosure. [7 O.C. 706.4-2].

- *Effect.* The IDT brings together subject-matter experts to ensure holistic, culturally grounded, and coordinated responses to elder mistreatment. The confidentiality framework protects sensitive information while enabling essential information sharing. This integrated approach enhances investigative quality, reduces fragmentation, and ensures elders receive consistent, effective support.
- **Reporting Requirements.** Any person with knowledge or reasonable cause to suspect abuse, neglect, self-neglect, or exploitation must report immediately. [7 O.C. 706.5-1]. The Law identifies broad categories of **mandated reporters**, including family members, caretakers, elected officials, employees of the Nation (including health, mental health, legal, and judicial personnel), and fiduciaries. [7 O.C. 706.5-2]. Non-mandated reporters may remain anonymous. [7 O.C. 706.5-3]. Reporters acting in good faith are immune from liability. [7 O.C. 706.5-4].
  - *Effect.* The universal duty to report ensures that concerns are identified early, while mandatory reporting by key professionals increases accountability and detection of high-risk situations. Immunity provisions encourage reporting without fear of retaliation. This structure significantly enhances the Nation’s ability to intervene promptly and protect vulnerable elders.
- **Penalties for Failure to Report and False Reporting.** Mandated reporters who fail to report may face civil penalties up to \$2,000. [7 O.C. 706.5-5]. Individuals who knowingly file false reports may face civil penalties up to \$2,000. [7 O.C. 706.5-6].
  - *Effect.* These provisions strengthen accountability by deterring both negligence and malicious misuse of the reporting system. Penalties promote integrity in reporting and ensure that the system remains focused on elder safety rather than misinformed or retaliatory allegations.
- **Investigation Procedures.** The Law outlines minimum investigative actions, including home visits, observation of the elder, private interviews, review of healthcare and financial records, and interviews with guardians or caregivers. [7 O.C. 706.6-2]. It authorizes medical examinations under specific consent standards and includes protections when the suspected abuser is a guardian or agent. [7 O.C. 706.6-3]. Investigators may request law enforcement assistance during residence visits or as needed. [7 O.C. 706.6-4]. The Law allows emergency protective action, including protective placement. [7 O.C. 706.6-6]. Confidentiality requirements restrict access to investigative records, with limited exceptions. [7 O.C. 706.6-7]. Written investigative reports must be retained for five (5) years. [7 O.C. 706.6-8]. Interference with or retaliation against investigators or reporters is prohibited and subject to civil penalties. [7 O.C. 706.6-9].
  - *Effect.* Clear, detailed investigative procedures promote thorough, timely, and consistent responses to elder risk. The ability to access records, coordinate with law enforcement, and take emergency protective action ensures that investigators can protect elders quickly and

effectively. Strong confidentiality rules protect sensitive information and reinforce trust in the system.

- ***Rights of Elders.*** Elders have the right to be notified of investigations (except during emergencies), to refuse services if they have capacity, to control access to their property, to deny entry to investigators (subject to warrants), and to be represented by counsel at their own expense. [7 O.C. 706.7-1].
  - *Effect.* These rights preserve elder autonomy and self-determination, ensuring that interventions respect elders’ dignity and legal protections. By safeguarding property rights and establishing clear procedures for entry, the Law reinforces due process while balancing safety needs.
- ***Rights of the Accused.*** Accused individuals may refuse services for themselves, deny entry to investigators (subject to a warrant), and retain legal counsel at their own expense. [7 O.C. 706.7-2].
  - *Effect.* These provisions uphold fairness, reinforce due process, and prevent unlawful intrusions while maintaining protections for elders. They ensure that the investigation process respects individual rights without impeding protective actions required for elder safety
- ***Jurisdiction.*** The Oneida Trial Court has jurisdiction over actions brought under the Law, including review of penalties, hearings, and protective orders. Personal jurisdiction is established for Nation members and employees. [7 O.C. 706.8-1].
  - *Effect.* Centralizing jurisdiction within the Trial Court ensures consistent judicial oversight, clear enforcement mechanisms, and streamlined legal processes. This promotes uniform application of elder-protection standards and enhances legal clarity.

## SECTION 6. EXISTING LEGISLATION

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

- ***Public Peace Law.*** The Public Peace Law establishes community standards intended to preserve peace, harmony, safety, health, and general welfare within the Reservation [3 O.C. 309.1-1], with a stated policy goal of promoting peace and order through an orderly civil-infracton process [3 O.C. 309.1-2]. Within this framework, the law provides direct elder-abuse protections by defining and prohibiting civil infractions that harm “elders at risk,” including individuals age 55 or older who have experienced—or are at risk of—abuse, neglect, self-neglect, or financial exploitation [3 O.C. 309.3-1(g)]. It establishes substantive offenses such as assault [3 O.C. 309.8-1], harassment [3 O.C. 309.8-2], and abuse of individuals at risk, including physical, emotional, and sexual abuse, confinement, financial exploitation, and deprivation of basic needs [3 O.C. 309.8-3; 309.8-3(e)]. The law also authorizes the Oneida Police Department to investigate and issue citations for these violations, giving OPD essential enforcement authority to intervene in cases of elder abuse [3 O.C. 309.4-3].

- In contrast to the Public Peace Law’s substantive offenses, the Elder Protection Law provides the procedural framework necessary to respond to suspected elder abuse. It mandates reporting of abuse or neglect concerns [7 O.C. 706.5-2], imposes civil penalties for failing to report or making false reports [7 O.C. 706.5-5; 706.5-6], and establishes minimum investigative requirements such as home visits, private interviews, record reviews, and coordination with law enforcement [7 O.C. 706.6-2; 706.6-4]. The Elder Protection Law further authorizes emergency protective actions including temporary protective placement [7 O.C. 706.6-6] ensures confidentiality of investigative records [7 O.C. 706.6-7], and creates the Interdisciplinary Team (IDT), a multi-agency group that coordinates supportive interventions across aging services, police, health, housing, behavioral health, legal services, and community resources [7 O.C. 706.4-1; 706.4-5]. Together, these laws operate as an integrated system: the Public Peace Law addresses the harmful act itself, such as assault [3 O.C. 309.8-1], financial exploitation [3 O.C. 309.8-3(e)], or confinement [3 O.C. 309.8-3(d)] while the Elder Protection Law triggers reporting, investigation, IDT coordination, and protective placement when necessary [7 O.C. 706.5; 706.6; 706.4]. This coordinated structure enables OPD to enforce violations while the IDT simultaneously safeguards an elder’s well-being, resulting in protection both before harm occurs, through early intervention, and after harm occurs through enforcement, penalties, and protective services.
- **Citation Law.** The Citations Law establishes the Nation’s formal process for issuing and adjudicating civil citations, defining a citation as the legal instrument that initiates a civil action for collecting a fine or penalty for violations of Nation law [8 O.C. 807.1-1; 807.4-1]. Officers, including the Oneida Police Department, may issue citations when a law expressly authorizes civil penalties [8 O.C. 807.4-2; 807.3-1(h)]. This framework becomes directly relevant under the Elder Protection Law because that law creates enforceable civil penalties for failing to report suspected elder abuse, knowingly making false reports, interfering with an investigation, and engaging in retaliation—each subject to fines up to \$2,000 per violation [7 O.C. 706.5-5; 706.5-6; 706.6-9]. Since the Citations Law governs how civil penalties are issued, served, amended, heard, and enforced—including personal service, mail service, publication service, default judgments, and post-judgment remedies such as garnishment [8 O.C. 807.4-4; 807.6; 807.4-3(h)] any civil penalty embedded in the Elder Protection Law must be processed through the citation system. Thus, the Citations Law supplies the enforcement mechanism for the Elder Protection Law’s penalty provisions.
  - The Elder Protection Law’s penalty and enforcement structure relies on the citation process to ensure compliance and accountability. When a mandated reporter fails to report abuse, makes a knowingly false report, or interferes with or retaliates against an investigator, those violations must be enforced by issuance of a citation under Chapter 807, triggering a civil action in the Judiciary for the collection of fines [8 O.C. 807.4-1; 807.4-2]. OPD, already expressly empowered

to investigate elder-abuse allegations under the Elder Protection Law [7 O.C. 706.4-4; 706.6-4] also functions as the authorized issuing agency for citations under the Citations Law. Once a citation is issued, all procedural aspects follow Chapter 807 requirements, including notice, service, pre-hearing rights, plea options, stipulations, hearings, burdens of proof (clear and convincing evidence), and remedies for non-payment such as wage or per-capita garnishment and suspension of rights or privileges [8 O.C. 807.4-4; 807.6-1; 807.6-2; 807.4-3(h)]. In this way, the Elder Protection Law creates the underlying violations, while the Citations Law provides the procedural and enforcement mechanism necessary to give those violations legal effect.

- ***Oneida Judiciary Rules of Civil Procedure.*** The Judiciary Rules of Civil Procedure in Chapter 803 govern all civil actions under the Nation’s jurisdiction and ensure consistent procedural requirements for filing, service, hearings, motions, discovery, and appeals [8 O.C. 803.1-1; 803.4; 803.5–803.7]. Because the Elder Protection Law authorizes a variety of court-based actions, including petitions for protective placement, access orders, enforcement of investigation rights, and court review of substantiated abuse cases [7 O.C. 706.6-6; 706.7; 706.8] these matters fall squarely under Chapter 803 procedural requirements. This means that all Elder Protection Law proceedings must comply with Chapter 803’s rules on service of process, pleadings, pretrial meetings, motions, hearing procedure, standards of proof (preponderance unless another standard applies), and the rights of litigants to present evidence, request discovery, and engage in motion practice [8 O.C. 803.4-8; 803.7; 803.12; 803.38]. Chapter 803 therefore provides the legal infrastructure that governs how elder-protection cases move through the court system.
  - Actions arising under the Elder Protection Law, such as protective placement petitions, requests to compel access to an elder, initiated by Aging & Disability or the Oneida Law Office activate the full range of civil-procedure requirements found in Chapter 803. For example, elder-protection cases must follow the rules governing summons and complaint, service deadlines, responsive pleadings, amended pleadings, and pretrial scheduling [8 O.C. 803.5; 803.7; 803.12]. Discovery rights apply to contested elder-protection matters, permitting interrogatories, document requests, depositions, and motions to compel, subject to the protective-order and confidentiality limitations set by both Chapter 803 and the Elder Protection Law’s strict confidentiality provisions [8 O.C. 803.14-6; 7 O.C. 706.6-7]. When respondents violate court orders issued under the Elder Protection Law, such as access orders, service plans, or protective-placement directives, the Trial Court may use its civil-procedure enforcement powers, including contempt sanctions, fines, injunctions, wage or benefit garnishment, and other enforcement mechanisms [8 O.C. 803.26; 803.31–803.35]. In this way, the Elder Protection Law defines the substantive protections for elders, while the Judiciary Rules of Civil Procedure provide the procedural tools necessary to adjudicate, enforce, and uphold those protections.

## SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. Authority of the Interdisciplinary Team:** The Elder Protection law authorizes the Interdisciplinary Team to coordinate investigations, recommend protective actions, and advise the Court when legal intervention is necessary. The Team may request assistance from the Oneida Police Department and other investigative agencies as needed to carry out its responsibilities. [7 O.C. 706.4-4 and 706.4-5].
- B. Investigation and Protective Authority:** Investigative agencies, including Oneida Aging and Disability Services and law enforcement, are authorized to conduct visits, interviews, review records, and take other lawful actions necessary to investigate alleged elder abuse, neglect, self-neglect, or exploitation. Agencies may also request court orders, including warrants, emergency protective placements, or medical examinations when required to ensure an elder's safety. [7 O.C. 706.6-1 through 706.6-6].
- C. Issuance Citations and Civil Penalties:** Any person who violates a provision of this law may be subject to civil penalties issued through the Oneida Trial Court. [7 O.C. 706.5-5, 706.5-6, 706.6-9.].
- D. Enforcement of Court Orders:** Any lawful order of the Oneida Trial Court issued under this law—including orders for access, services, protective placement, or prohibition of interference—may be enforced by the Oneida Police Department or another authorized investigative agency. Enforcement actions may include taking reasonable steps necessary to prevent continued harm to an elder. [7 O.C. 706.6-9].
- E. Law Enforcement Authority:** The Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or respond to violations of this law, including providing investigative support, ensuring scene safety, enforcing court orders, and coordinating with Aging and Disability Services during protective interventions. [7 O.C. 706.6-4.].
- F. Employment and Licensening Accountability:** If the Court determines that an employee of the Nation or a credentialed professional has violated this law through interference, or retaliation—the Court shall provide notice of the determination to the person's employer and any relevant licensing or regulatory agencies. Employment-related discipline shall be imposed consistent with the Nation's employment laws. [7 O.C. 706.6-9(d)].
- G. Recordkeeping and Compliance:** Aging and Disability Services, the Interdisciplinary Team, and all investigative agencies must maintain records in accordance with confidentiality standards in this law. Unauthorized disclosure of confidential information may be addressed through administrative discipline, civil penalties, or court action consistent with applicable Nation law. [7 O.C. 706.4-2 and 706.6-7].

## 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.* A fiscal impact statement prepared in accordance with the Legislative Procedures Act was provided by the Finance Department on June 3, 2026.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # Elder Protection Law

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- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Elder Protection Law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-XX-XX-XX-X; and
- WHEREAS,** the purpose of this Law is to uphold the Nation’s responsibility to honor and protect its elders. This law establishes a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation and affirms the Nation’s cultural responsibility to honor, respect, and preserve elder wellbeing; and
- WHEREAS,** the Law establishes a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation; and
- WHEREAS,** the Law establishes an Interdisciplinary Team composed of multiple Nation departments to coordinate case review, guide investigations, recommend actions, promote cooperation, and identify resources; and
- WHEREAS,** the Law provides investigation procedures requirements including that they must begin promptly and include required steps such as:
  - Visiting the elder’s residence;
  - Observing the elder;
  - Conducting interviews;
  - Reviewing healthcare and financial records;
  - Interviewing guardians/caregivers;
  - Requesting law-enforcement assistance;
  - Offering or arranging needed services; and
- WHEREAS,** the Law establishes a duty to report suspected elder abuse, neglect, and exploitation. The law requires any person with knowledge or reasonable suspicion of abuse, neglect, self-neglect, or exploitation of an elder to report immediately to Aging & Disability Services or the Oneida Police Department; and
- WHEREAS,** the Law creates a broad class of mandated reporters, including family, caretakers, elected officials, employees, healthcare workers, mental health professionals, social workers, law enforcement, judicial staff, and fiduciaries.
  - Good-faith reporters receive immunity.
  - Non-mandated reporters may remain anonymous; and

48  
49 **WHEREAS,** the Law establishes civil penalties:  
50       ▪ A mandated reporter who fails to report may be fined up to \$2,000.  
51       ▪ Anyone who knowingly files a false report may be fined up to \$2,000.  
52       ▪ Anyone who interferes with an investigation or retaliates against a reporter may  
53       be fined up to \$2,000 per occurrence; and  
54  
55 **WHEREAS,** the Law protects confidentiality and records. Departmental report forms and investigative  
56 records are confidential and may only be disclosed under limited circumstances, such as  
57 to the elder, suspect, service providers, law enforcement, auditors, and through court  
58 order; and  
59  
60 **WHEREAS,** the Legislative Operating Committee developed the proposed through collaboration with  
61 representatives from Aging and Disability, Comprehensive Health, Oneida Law Office,  
62 Oneida Police Department, Oneida Commission on Aging, CEO; and  
63  
64 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact  
65 statement were completed for the proposed Elder Protection Law; and  
66  
67 **WHEREAS,** the Legislative Operating Committee held a public meeting on the proposed Elder  
68 Protection Law on April 16, 2025. Four (4) individuals provided public comments during  
69 this public meeting. The public comment period was then held open until April 23, 2026.  
70 Three (3) individuals provided written comments during the public comment period; and  
71  
72 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments  
73 to the Elder Protection Law, which shall become effective on August 03, 2026.  
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## Statement of Effect *Elder Protection Law*

### Summary

This resolution adopts the Elder Protection Law.

*Submitted by: Grace L. Elliott, Staff Attorney, Legislative Reference Office*

*Date: June 17, 2026*

### *Analysis by the Legislative Reference Office*

This resolution adopts the Elder Protection Law. The purpose of the Elder Protection Law is to uphold the Nation's responsibility to honor and protect its elders. This law establishes a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation and affirms the Nation's cultural responsibility to honor, respect, and preserve elder wellbeing. [7 O.C. 706.1-1; 706.1-2]. The Elder Protection Law will:

- Establish a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation. [7 O.C. 706.1-1(a)-(c)].
- Establish an Interdisciplinary Team composed of multiple Nation departments to coordinate case review, guide investigations, recommend actions, promote cooperation, and identify resources. [7 O.C. 706.4-1; 706.4-5].
- Establish a duty to report suspected elder abuse, neglect, and exploitation. The law requires any person with knowledge or reasonable suspicion of abuse, neglect, self-neglect, or exploitation of an elder to report immediately to Aging & Disability Services or the Oneida Police Department. [7 O.C. 706.5-2].
- Create a broad class of mandated reporters, including family, caretakers, elected officials, employees, healthcare workers, mental health professionals, social workers, law enforcement, judicial staff, and fiduciaries. [7 O.C. 706.5-2(a)-(d)].
  - Good-faith reporters receive immunity. [7 O.C. 706.5-4].
  - Non-mandated reporters may remain anonymous. [7 O.C. 706.5-3].
- Establish civil penalties:
  - A mandated reporter who fails to report may be fined up to \$2,000. [7 O.C. 706.5-5(a)].
  - Anyone who knowingly files a false report may be fined up to \$2,000. [7 O.C. 706.5-6(a)].
  - Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence. [7 O.C. 706.6-9(c)].
- Provide investigation procedures requirements including that they must begin promptly and include required steps such as:
  - Visiting the elder's residence;
  - Observing the elder;

- Conducting interviews;
- Reviewing healthcare and financial records;
- Interviewing guardians/caregivers;
- Requesting law-enforcement assistance;
- Offering or arranging needed services. [7 O.C. 706.6-1; 706.6-2; 706.6-4; 706.6-5].
- Authorize medical examinations under specified consent conditions or by court order. [7 O.C. 706.6-3].
- Authorize emergency protective actions, including protective placement, may be taken when necessary. [7 O.C. 706.6-6].
- Protect confidentiality and records. Departmental report forms and investigative records are confidential and may only be disclosed under limited circumstances, such as to the elder, suspect, service providers, law enforcement, auditors, and through court order. [7 O.C. 706.6-7(a)-(i)].
- Provide that records must be retained for five years. [7 O.C. 706.6-8(c)].
- Affirm elders' rights to:
  - Notice of an investigation unless emergency conditions exist. [7 O.C. 706.7-1(a)].
  - Refuse services if they have capacity. [7 O.C. 706.7-1(b)].
  - Protect their property rights, including the right to deny entry. [7 O.C. 706.7-1(c)-(d)].
  - Representation by counsel at their own expense. [7 O.C. 706.7-1(e)].
- Provide for rights of the accused to refuse services for themselves, refuse entry (subject to warrant), and obtain counsel at their own expense. [7 O.C. 706.7-2(a)-(c)].
- Grant the Oneida Trial Court jurisdiction over all actions under this law. [7 O.C. 706.8-1]. Personal jurisdiction extends to members of the Nation and Nation employees. [7 O.C. 706.8-1].

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

The Legislative Operating Committee held a public meeting on the proposed Elder Protection Law on April 16, 2025. Four (4) individuals provided public comments during this public meeting. The public comment period was then held open until April 23, 2026. Three (3) individuals provided written comments during the public comment period.

The amendments to the Elder Protection Law will become effective on August 03, 2026.

### **Conclusion**

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

# FINANCE ADMINISTRATION

## Fiscal Impact Statement



### MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer  
 FROM: Rae Skenandore, Sr. Analyst/Budget Coordinator  
 DATE: June 3, 2026  
 RE: Fiscal Impact of the Elder Protection Law

#### I. Estimated Fiscal Impact Summary

Fiscal Impact of the Elder Protection Law		
<b>Implementing Agency</b>	Comprehensive Health Division Human Services Oneida Police Department Oneida Judiciary Oneida Law Office Comprehensive Housing	
<b>Estimated Impact</b>	<b>Year One (1)</b>	<b>Five (5) Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	\$ 0	\$ 0

#### II. Background

This new Law was added to the active files list in January of 2023. The purpose of the Elder Protection Law is to uphold the Nation's responsibility to honor and protect its elders. This law establishes a process to safeguard elders from harm, including abuse, neglect, self-neglect, and exploitation. The Law contains the following:

- Detailed definitions for consistency across agencies.
- Authorizes an Interdisciplinary Team to coordinate investigations, recommend protective actions, and advise the court.
- Establishes an Interdisciplinary Team composed of representatives from Aging & Disability Services, OPD, Health, Behavioral Health, Law Office, Community Resource and Economic Support, Comprehensive Housing, Family Services, and others as designated.
- Establishes a duty to report suspected elder abuse, neglect, and exploitation.
  - Create a broad class of mandated reporters.
  - Good-faith reporters receive immunity.
  - Non-mandated reporters may remain anonymous.
- Establishes civil penalties.

- A mandated reporter who fails to report may be fined up to \$2,000.
- Anyone who knowingly files a false report may be fined up to \$2,000.
- Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence.
- The Law outlines minimum investigative actions, including home visits, observation of the elder, private interviews, review of healthcare and financial records, and interviews with guardians or caregivers.
- The Law imposes strict confidentiality, a HIPAA threat-prevention exception, a minimum-necessary standard, selective participation, and a prohibition on redisclosure.
- Establishes report requirements.
- Affirms elders' rights to:
  - Notice of an investigation.
  - Refuse services.
  - Property rights
  - Representation by counsel at their own expense.
- Provides for rights of the accused to:
  - Refuse services.
  - Deny entry.
  - Obtain counsel at their own expense.
- Grants the Oneida Trial Court jurisdiction over all actions under this Law.

### III. Methodology and Assumptions

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

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

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

### IV. Findings

The Comprehensive Health Division stated that there will be no fiscal impact as their participation will be from an Interdisciplinary Team perspective. None of the other areas contacted reported a fiscal impact. Implementation appears to fall within existing operational responsibilities. The Law states that Aging and Disability Services will provide administrative support and shall serve as the Team's primary contact, organize meetings, and maintain records.

**V. Financial Impact**

No fiscal impact identified.

**VI. Recommendation**

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



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



### AGENDA REQUEST FORM

- 1) Request Date: June 10, 2026
- 2) Contact Person(s): Oneida Business Committee Officers  
Dept: OBC  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_
- 3) Agenda Title: Whistleblower Protection Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
See attached memo.

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

- 1) See attached.
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

- 5) Please list any laws, policies or resolutions that might be affected:  
\_\_\_\_\_
- 6) Please list all other departments or person(s) you have brought your concern to:  
\_\_\_\_\_
- 7) Do you consider this request urgent?     Yes     No  
If yes, please indicate why:  
\_\_\_\_\_

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



## Memorandum

To: Legislative Operating Committee

From: Lisa Liggins, Secretary, on behalf of the BC Officers

Cc: Loucinda Conway, Audit Manager  
Jo Anne House, Chief Counsel  
Laura Laitinen-Warren, CEO-Human Resources  
Clorissa Leeman, Sr. Staff Attorney/LRO

Date: June 10, 2026

Re: Whistleblower Protection law - Personnel Complaints/Employee Protections

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### Background

The attached submission from the Audit Committee was reviewed by the BC Officers on June 3, 2026. In addition to the BC Officers, Loucinda Conway, Audit Manager, Jo Anne House, Chief Counsel, Laura Laitinen-Warren, CEO-Human Resources, and Clorissa Leeman, Sr. Staff Attorney/LRO, were in attendance.

The submission from the Audit Committee outlines the main concern, scope considerations, observed trends, submission processes, implications, emerging risk, and recommended policy revisions.

### BC Officers Consensus

After review and discussion with all attendees, the BC Officers reached consensus on the following:

- Issue: The former "Employee Protection" element has been removed from Whistleblower Protection law and employees' default to the Whistleblower Protection law process even for personnel complaints.
- Gap: Unclear intake, triage, or guidance system for employee personnel complaints.
- Agreements:
  - HR should be primary intake and triage point for personnel complaints; personnel issues should not fall under Whistleblower Protection law. HR should implement an employee education campaign.

- Please note: the Audit Committee’s memorandum suggested that under the prior Employee Protection framework, the Personnel Commission had a defined and independent role in reviewing retaliation and implementing protection and that the Business Committee should evaluate the administration of retaliation claims considering the current policy structure.
- The BC Officers disagree. The Personnel Commission should not have authority in these matters; they are an HR function.
- Clearer distinction is needed for supervisors and employees between:
  - Complaints
  - Grievances
  - Disclosures under the Whistleblower Protection law
    - The LOC should consider amendments to the Blue Book to provide this clear distinction.
- The LOC should consider the revision of §211.4-1(m) and (n).
  - These sections are being applied to general personnel concerns rather than their intended purpose of addressing conditions or management failures that contribute to fraud, waste, abuse, or significant control breakdowns.

### **Next Steps**

For the agreements related to HR, the BC Officers will complete the necessary follow up with the CEO-Human Resources to prioritize these needs in the upcoming annual project targets and expectations.

For the agreements related to policy revision and the LOC, the BC Officers respectfully request the LOC consider adding these topics to the 2026-2029 Active Files List.

Thank you for your consideration.



## Audit Committee Memorandum

**TO:** Business Committee Officers

**FROM:** Lisa Liggins, Audit Committee Chairwoman

**DATE:** May 26, 2026

**RE:** Whistleblower Revision Proposal

### Introduction and Background

The Whistleblower Protection Policy is intended to protect employees who report suspected fraud, theft, or other conduct that could materially impact the Nation. However, inclusion of “poor management” and “unsafe working conditions” has resulted in routine personnel and performance-related issues being submitted as whistleblower complaints.

The current policy also reflects a structural change from the prior Employee Protection framework, which included independent review of retaliation by the Personnel Commission. Under the current framework, retaliation concerns are directed to the grievance process.

### Personnel Matters Submitted Under §211.4-1(m) and (n) to Internal Audit

Whistleblower Protection requests under §211.4-1(m) (Unsafe Working Conditions) and §211.4-1(n) (Poor Management) have included:

- **Job duties / role alignment:** shifting responsibilities, expanded duties without adjustment.
- **Leave and workplace modifications:** approval/denial of leave, return-to-work flexibility, and health concerns.
- **Performance management:** attendance discipline, probation, appeals, inconsistent guidance, and lack of SOPs.
- **Workload and compensation:** excessive workload, insufficient staffing, and uncompensated expanded duties.
- **Supervisory engagement:** lack of follow-up, cancelled meetings, and limited access to supervisors.
- **Workplace climate:** favoritism, communication restrictions, disengagement, and burnout.

- **Supervisory conduct and accountability:** professionalism, presence, and use of work time.

Matters such as these would be more appropriately addressed through Human Resources or employee relations.

### **Scope Considerations**

These issues primarily involve personnel management and, while impactful, do not in themselves indicate fraud, waste, abuse, or internal control violations within Internal Audit's scope of operation.

Many of these matters would have historically been addressed through management or Human Resources rather than through a whistleblower framework.

### **Observed Trends**

Title 2 Employment, Chapter 211 Whistleblower Protection became effective February 12, 2019, superseding the prior Employee Protection Policy. Based on available Internal Audit records, ten whistleblower complaints have been identified and reviewed under current Audit Management, including direct oversight of earlier reviews and primary responsibility for the most recent eight.

Of the ten cases, nine were personnel-related, while one involved a matter potentially aligned with Internal Audit's scope. However, this was reported nearly three years after the alleged occurrence and lacked sufficient and consistent details to investigate. As a result, Internal Audit could not perform a meaningful investigation.

These cases reflect a consistent pattern of complaints being directed to Internal Audit which were outside the intended scope.

This trend aligned with the expansion of policy scope to include personnel-related concepts, without a corresponding independent mechanism (such as the Personnel Commission) to evaluate retaliation tied to those concerns.

### **Hotline Intake and Personnel-Related Matters**

Pursuant to §211.4-3, employees may make disclosures through either the anonymous Fraud Hotline or by submitting information directly to the Nation's Internal Audit Department. While this report primarily reflects matters submitted directly to Internal Audit, the Hotline serves as an equally authorized intake channel under Whistleblower Protection law.

Based on activity from December 2023 through May 2026, a total of 57 hotline reports were reviewed, of which 43 were personnel-related, 12 involved investigative matters, and 2 were identified as whistleblower submissions; however, both whistleblower-related reports were personnel in nature.

This distribution demonstrates that personnel-related concerns consistently represent most reports received through the Hotline over time.

### **Implications for Intake, Routing, and Governance**

Because the law establishes the Hotline and Internal Audit as parallel entry points for whistleblower disclosures, the patterns identified across both channels indicate a sustained and systemic trend. Regardless of intake method, personnel-related concerns are frequently being elevated through mechanisms intended for reporting fraud, waste, abuse, or control-related issues.

Without clearly defined criteria to distinguish whistleblower-eligible complaints from routine personnel matters at the point of intake, including those received via the Hotline, matters outside Internal Audit's scope may continue to be misrouted.

This reinforces the need for structured triage and routing protocols to ensure personnel-related issues are directed to Human Resources or other appropriate administrative channels, while preserving the integrity and intended purpose of the whistleblower process.

### **Emerging Risk**

These trends indicate the whistleblower process was being used to elevate personnel concerns rather than to report fraud or misconduct, resulting in:

- Inefficient routing of concerns
- Delays in resolution
- Diversion of Internal Audit resources from higher-risk matters
- Clouding the governance roles between Internal Audit, Human Resources, and employee relations functions.

### **Clarification and Recommended Policy Revisions**

§211.4-1(m) and (n) are being applied to general personnel concerns rather than their intended purpose of addressing conditions or management failures that contribute to fraud, waste, abuse, or significant control breakdowns.

Determination of whether a complaint necessitates whistleblower protection should be based on the substance of the allegation rather than the terminology used. Use of terms

such as “fraud,” “abuse,” or “misconduct” without supporting facts should not, on its own, qualify a matter for whistleblower protection.

### Recommended Definitions

- **Unsafe working conditions:** conditions posing significant legal, regulatory, financial, or operational risk, including those that may enable fraud, waste, abuse, or noncompliance of internal controls.
- **Poor management:** actions or inactions contributing to control failures, governance breakdowns, or increased risk of fraud, waste, or abuse.

Additionally, personnel concerns (e.g., workplace conflicts, workload disputes, performance issues) should be explicitly directed towards Human Resources or appropriate administrative channels.

### Governance and Implementation

It is recommended the Oneida Business Committee:

- Review this analysis.
- Work with the Legislative Operating Committee (LOC) to revise Title 2, Chapter 211.
- Coordinate with Human Resources (HRD) to define clear intake and routing processes for personnel-related concerns.

### Retaliation Framework Alignment

As the Personnel Commission is reestablished, the Business Committee should evaluate the administration of retaliation claims in light of the current policy structure.

Under the prior Employee Protection framework, the Personnel Commission had a defined and independent role in reviewing retaliation and implementing protective measures. In contrast, the current whistleblower framework relies on general grievance processes, while also introducing personnel-related concerns into policy scope.

It is recommended that:

- The Personnel Commission’s role in reviewing retaliation claims is clearly defined.
- Elements of the prior framework be considered for reinstatement.
- Roles between HRD, Internal Audit, and the Personnel Commission are clearly defined.

## Application of Retaliation Protections

Retaliation protections should align with the intent of the Whistleblower Protection law.

- **Enhanced protections and independent review** (e.g., Personnel Commission) should apply to disclosures involving fraud, waste, abuse, or significant risk to the Nation.
- **Personnel-related concerns** should be addressed through Human Resources, with appropriate protections applied within that framework.

This approach ensures:

- Strong, independent protection for high-risk disclosures.
- Appropriate and efficient resolution of employee relations matters through established channels.

## Closing

The current structure creates an unintended pathway for routine personnel concerns to be elevated as whistleblower complaints, while lacking a clearly defined and independent mechanism to evaluate retaliation. This reduces process effectiveness, creates role ambiguity, and misallocates resources.

This distinction is necessary to ensure that protections are applied consistently and through the appropriate governance mechanisms.

cc: Laura Laitinen-Warren, CEO – Human Services  
Jo Anne House, Chief Counsel  
Clorissa Leeman, Senior Staff Attorney (LRO)

Attachment: Chapter 211 Whistleblower Protection BC 02-12-19-B  
Chapter 211 Employee Protection BC 02-25-15-C

## Title 2. Employment – Chapter 211 EMPLOYEE PROTECTION POLICY

211.1 Purpose and Policy

211.2 Adoption, Amendment, Repeal

211.3 Definitions

211.4 Disclosure

211.5 Protection

### 211.1 Purpose and Policy

211.1-1. The purpose of this policy is to give protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other detrimental effects.

211.1-2. It is the policy of the Oneida Nation to extend protection to employees who act within this policy to protect the Nation's interests.

### 211.2 Adoption, Amendment, Repeal

211.2-1. This policy shall become effective upon adoption.

211.2-2. This policy shall supersede, repeal, rescind any prior law or policy regarding employee protection. Provided, that the law or policy is in direct conflict or extends lesser protection than this Employee Protection Policy.

211.2-3. This policy may be amended or repealed by the Oneida Business Committee pursuant to the Oneida Administrative Procedures Act.

### 211.3 Definitions

211.3-1. This section shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Abuse of authority” means using the authority, whether real or assumed, of any position, whether actual or assumed, to obtain information, goods or services to the detriment of the tribe, or using the authority as described above to directly or indirectly punish any person or employee for disclosing information as described below.

(b) “Appropriate agency” means a delegated person or officer to receive disclosures in the Internal Auditing, Gaming Commission, Tribal School Board, Police Commission and Personnel Commission.

(c) “Disciplinary action” means any action by an employer affecting an employee to their detriment, including, but not limited to - dismissal, demotion, transfer, removal of duty, refuse to restore, suspend, reprimand.

(d) “Disclosure” means to reveal otherwise non-public information or other information that would otherwise remain concealed during a period which it should be brought to light.

(e) “Employee” means any person working for the Oneida Nation in its programs, enterprises, and governmental functions, whether elected, appointed, or hired as a limited term employee, vendor, or contractor.

(f) “Information” means the specific time, date, who, when, where, what, how in any disclosure that would prevent detrimental actions being taken against the Oneida Nation.

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

(h) “Merit further investigation” means that point at which a person(s) hearing the information believes that it requires further action.

(i) “Mismanagement” means failure to use reasonable good sense in using the authority granted through the job description, delegated authority by any supervisor, and/or personal judgment to advance the economic, financial, and political value of the Oneida Nation by properly using employee time, equipment, funds, and their own time.

(j) “Retaliatory action” means any action, either disciplinary or otherwise, taken against any employee, whether supervisory or supervised, for that employee's disclosure of information as directed within this policy, excluding any action that can be reasonably justified as taken in good faith based on documented employee performance. Action other than disciplinary action that may be retaliatory, by way of example, could be loss of hours, rescheduling shifts outside of normal shift changes, change of job requirements without notice, verbal or physical harassment, reduction of pay, denial of educational benefits, reassignment, failure to increase base pay.

(k) “Substantial waste of public funds” means any use of funds in a manner not directed by policy, including any preference laws adopted by the Oneida Nation.

#### **211.4 Disclosure**

211.4-1. General. The Oneida Tribe recognizing the negative impact on the employee that may arise from presenting information that protects the Oneida Tribe from adverse actions of its elected officials, employees, contractual employees, and contractors and offers the processes in this Policy to protect employees against retaliation in the event information is presented. This Policy is effective after presentation of information and protects against retaliation. No identification of a protected status is necessary when information is properly presented. And no protection can be extended unless information is properly presented.

211.4-2. An employee is protected under this policy when the disclosure of the information is given, in confidence, in written form, dated, and signed, to the any of the following persons:

- (a) Supervisor
- (b) appropriate agency or entity
- (c) law enforcement agency
- (d) attorney retained by the employee.
- (e) Employee Advocates

Provided that, disclosure, through circumstances other than in person, the employee shall fully identify themselves.

211.4-3. A protected disclosure includes the following elements:

- (a) identity of person making the disclosure
- (b) identity of person or persons against whom disclosure is being made
- (c) to the best of the employees knowledge, the date and times at which the disclosed action occurred, and d. summary of the disclosed action.

211.4-4. All disclosures shall be kept confidential, until such time as action is being taken against the person or persons identified in the disclosed information.

211.4-5. Disclosures made in reference to section 211.4-1 of this policy shall be directed as soon as possible to the appropriate agency or entity, with the permission of the disclosing person/persons. The disclosed information will be in a sealed envelope, which may be hand carried, mailed certified or delivered by law enforcement. A receipt shall be required to be signed, and dated by the recipient.

211.4-6. Disclosures made in reference to 211.4-2(d) of this policy shall be with the understanding that no attorney shall be directed to act in a manner that the attorney finds to be in conflict with any professional responsibility or rule.

211.4-7. The appropriate agency shall send a written decision to the disclosing party that the disclosure has or does not have merit, along with any further action that will be taken within twenty (20) business days. If a disclosure merits further action, the disclosing party will be notified that they may be called by the appropriate agency to give additional testimony at a closed meeting and on approximately what date. Further, appropriate agencies will follow the hearing procedures set out in the Administrative Procedures Act for a Hearing of Record. Appropriate agencies are authorized to use their full powers to take corrective measures where disclosures merit action, and to utilize all Tribal agencies to effectively correct any and all problems found. This includes, but is not limited to, the following action:

- (a) Oneida Business Committee garnishment action to recover lost funds,
- (b) Personnel Commission for disciplinary action,
- (c) Judiciary for appropriate civil actions,
- (d) Criminal prosecutions, where indicated, in appropriate federal or state courts.

### **211.5 Protection**

211.5-1. Any employee who discloses information in the manner described in this policy shall be protected from any and all employment related retaliation to the fullest extent of this section.

211.5-2. Any employee who believes that retaliatory action is being taken against them may follow procedures set out below:

- (a) This policy supersedes those complaint procedures set out in the Personnel Policy and Procedures Manual and the employee may go directly to their Division Director and state, in person and in writing, or written only, the action that employee believes is retaliatory, or
- (b) If a disciplinary action, that employee may go directly to the Personnel Commission with their grievance.

211.5-3. The Personnel Commission is authorized through this policy to proceed immediately with any alleged retaliation grievance placed before them by any employee. Any resolution of a retaliation grievance must be written and placed in all parties files. All parties include, but are not limited to, persons actively involved with knowingly implementing any retaliation action and named by the grieving party.

211.5-4. Any person acting under the authority of another, who has a good faith belief of the correctness of their actions, is a legal defense against any retaliation grievance and, if accepted by the Personnel Commission, bars placement of the results of the action in that employee's file. Provided that, the person was not found to be actively involved in an retaliatory action. Provided further, that the employee acting in good faith has not asked that the results of any retaliation hearing be placed in their file.

211.5-5. If a disclosing employee files a grievance alleging a protected status as a result of a disclosure and that retaliation has occurred, the disclosing employee may request a protective order which may be as follows:

The Personnel Commission Hearing Body hereby orders that the Human Resources Department shall monitor (name of supervisor/job title)'s actions in regard to (name of disclosing employee/job title). This employee has alleged a protected status under the Employee Protection Policy which the Personnel Commission Hearing Body has determined that sufficient evidence exists to prove that such a status exists.

This protective order shall remain in place until such time as a final decision is issued by this Personnel Commission Hearing Body.

*End.*

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Emergency Adoption - BC-4-20-95-B  
Permanent Adoption - BC-12-6-95-B  
Amendments - BC-1-20-99-B  
Amendments - BC-6-30-04-J  
Amendments – BC-02-25-15-C

**Title 2. Employment – Chapter 211  
WHISTLEBLOWER PROTECTION**

**Λshakotiyá'tanunhe? Lotiyó'tΛhse? Aolihwá'ke**

*They will watch over them they the workers on this issue*

211.1 Purpose and Policy

211.2 Adoption, Amendment, Repeal

211.3 Definitions

211.4 Disclosure of Information

211.5 Protection from Retaliation

**211.1. Purpose and Policy**

211.1-1. The purpose of this law is to give protection to employees who give information that is intended to protect the Nation from fraud, theft or other detrimental effects.

211.1-2. It is the policy of the Oneida Nation to extend protection to employees who act within this law to protect the Nation's interests.

**211.2. Adoption, Amendment, Repeal**

211.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-12-19-B.

211.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

211.2-3. 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.

211.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control, provided that this law repeals the following:

- (a) The Employee Protection Policy adopted by emergency pursuant to BC-04-20-95-B, permanently adopted pursuant to BC-12-06-95-B and subsequently amended pursuant to BC-01-20-99-B, BC-06-30-04-J, and BC-02-25-15-C.

211.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**211.3. Definitions**

211.3-1. This section shall govern the definitions of words as phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Employee" means any individual hired by the Nation and on the Nation's payroll and encompasses all forms of employment, including but not limited to: full-time, part-time, at-will, political appointees, and contracted persons.
- (b) "Entity" means a department, program, service, board, committee, or commission of the Nation.
- (c) "Nation" means the Oneida Nation.
- (d) "Official" means an individual elected or appointed to serve on a board, committee, or commission of the Nation, including the Oneida Business Committee.

**211.4. Disclosure of Information**

211.4-1. Whistleblowing occurs when an employee discloses information that the employee reasonably believes provides evidence that protects the Nation from any adverse actions of its employees that may result in a detrimental effect to the Nation. Adverse action that may result in a detrimental effect to the Nation includes, but is not limited to:

- (a) Any dishonest or fraudulent act;

- (b) Deceptive business practices;
- (c) Theft;
- (d) Extortion;
- (e) Bribery;
- (f) Embezzlement;
- (g) Blackmail;
- (h) Tampering and/or falsifying records, contracts, or reports;
- (i) Forgery;
- (j) Misappropriate and/or misuse of the Nation's funds;
- (k) Disclosure of confidential information;
- (l) Destruction, removal, or inappropriate use of property of the Nation;
- (m) Unsafe working conditions;
- (n) Poor management;
- (o) Unethical conduct and conduct that violates a law and/or policy of the Nation.

211.4-2. An employee shall be protected from retaliatory action that results from making a disclosure of information as directed within this law. Retaliatory action includes all action whether disciplinary or otherwise.

(a) Disciplinary action that may be retaliatory includes, but is not limited to:

- (1) dismissal;
- (2) demotion;
- (3) transfer;
- (4) removal of duty;
- (5) refusal to restore;
- (6) layoff;
- (7) furlough;
- (8) suspension; and/or
- (9) reprimand.

(b) Action other than disciplinary action that may be retaliatory may include, but is not limited to:

- (1) loss of hours;
- (2) rescheduling shifts outside of normal shift changes;
- (3) change of job requirements without notice;
- (4) verbal or physical harassment;
- (5) reduction of pay;
- (6) denial of educational benefits;
- (7) reassignment; and/or
- (8) failure to increase base pay.

(c) Any action that can be reasonably justified as taken in good faith based on documented employee performance shall be excluded from classification as retaliatory action.

211.4-3. An employee shall make a disclosure of information through the:

- (a) use of the anonymous Fraud hotline; or
- (b) submission of a written disclosure to the Nation's Internal Audit Department.

211.4-4. Once a disclosure of information is made, the disclosing employee shall be provided an incident number confirming receipt of the disclosure.

211.4-5. The Internal Audit Department shall then have the authority to review the disclosure and conduct an investigation and/or an internal audit into the disclosure, if deemed appropriate. Upon the conclusion of the investigation the Internal Audit Department shall, where necessary, report

their findings to an appropriate entity for action to address the findings, including, but not limited to, the:

- (a) Oneida Business Committee;
- (b) Oneida Law Office or other legal prosecuting agency;
- (c) Human Resources Department;
- (d) Oneida Police Department or other law enforcement agency;
- (e) Audit Committee; and/or
- (f) any other entity of the Nation.

### **211.5. Protection from Retaliation**

211.5-1. If an employee alleges retaliatory action has been threatened or taken based on the employee's disclosure of information under this law, the employee may file a complaint for the retaliatory action in accordance with the grievance procedures provided in the Nation's laws and policies governing employment.

211.5-2. The employee shall be protected from the retaliatory action if the following is found:

- (a) the employee made a disclosure of information;
  - (1) The confirmation of disclosure that is provided when information is disclosed, as well as any resulting findings by the Internal Audit Department, shall be used as a reference to prove a disclosure of information.
- (b) the individual alleged to have taken retaliatory action against the disclosing employee was aware or became aware the disclosing employee had disclosed information;
- (c) the action taken against the disclosing employee was retaliatory as a result of the disclosure of information.

211.5-3. An individual who is found to have retaliated against an employee who made a disclosure of information pursuant to this law shall be subject to:

- (a) disciplinary action, up to and including termination, pursuant to the Nation's laws and policies governing employees, if an employee of the Nation;
- (b) sanctions and penalties pursuant to the Nation's laws and policies governing sanctions and penalties, if an official of the Nation;
- (c) removal pursuant to the Nation's laws and policies governing removal, if an elected official; and/or
- (d) termination of appointment pursuant to the Nation's laws and policies governing boards, committees, and commissions, if an appointed official.

*End.*

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Adopted - BC-02-12-19-B

# June 2026

June 2026							July 2026						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Jun 1	2 3:00pm Indian Preference in Contracting Law Amendments (Microsoft Teams Meeting) - Grace L. Elliott	3 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;	4	5 3:00pm Research Law Development (Microsoft Teams Meeting) - Grace L. Elliott
8	9	10	11 12:15pm PUBLIC MEETING: Boards, Committees, and Commissions Law Amendments and Ten Day Notice Policy Amendments (Microsoft Teams	12
15	16	17 8:30am LOC Prep (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	18 3:00pm Probate Draft Review (Microsoft Teams Meeting) - Grace L. Elliott	19
22	23	24	25	26
29	30	Jul 1	2	3