

# Oneida Nation

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## **BC Resolution # 02-09-22-A Amendments to the Furlough Law**

- 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 Nation's Furlough Policy, which will be referred to as the Furlough law ("Law") upon adoption of the proposed amendments, was established by the Oneida Business Committee ("OBC") on November 10, 2015, through adoption of resolution BC-11-10-15-B, to enable the Nation to implement a furlough as a tool to remedy an operating budget deficit when a decrease or lapse of revenue or funding and/or any other budget situation warranting an unpaid leave is identified; and
- WHEREAS,** on October 7, 2020, the Legislative Operating Committee ("LOC") added this item to the Active Files List to incorporate Indian preference into the Law, as well as provide clarity regarding certain other processes within the Law that were flagged for review following the recent furlough program that was implemented in response to the COVID-19 pandemic; and
- WHEREAS,** the LOC worked collaboratively with representatives from the Human Resources Department, General Manager – Retail, Employee Relations Department and Gaming Employee Services to develop the amendments to this Law; and
- WHEREAS,** the amendments to this Law incorporate Indian preference into the Law and require that it be applied to the Nation's furlough programs in accordance therewith; and
- WHEREAS,** the amendments to this Law add priority levels to govern the order for placing into furlough status and recalling back to work those employees who remain after the application of Indian preference; and
- WHEREAS,** the amendments to this Law clarify the process for preparing, initiating and implementing a furlough program, by, in pertinent part:
- Setting conditions and clear procedures, as well as express prohibitions, for when and how a furlough program may be initiated by the OBC;
  - Setting conditions and clear procedures for how a furlough program should be implemented by the Nation, once initiated; and
  - Assigning responsibilities to specific persons/entities for carrying out certain activities in accordance with the Law.

- WHEREAS,** the amendments to this Law require that a furlough be initiated as either an emergency or administrative program and then carried out in accordance therewith; and
- WHEREAS,** the amendments to this Law allow the OBC to establish an ad hoc committee, made up of employees of the Nation, to assist in the implementation of a furlough program; and
- WHEREAS,** the amendments to this Law add more due process to the furlough programs by:
- Specifying how notice must be provided to employees of the Nation who are subject to a furlough program;
  - Requiring the Human Resources Department to add training on Indian preference to its employee orientation program;
  - Requiring Direct Report Level positions/supervisors, who are responsible under the Law for carrying out some or all of a furlough program, to undergo training on the application of the Law every two (2) years; and
  - Broadening the scope of claims that an employee placed in furlough status can bring on appeal under the Law.
- WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact statement were developed for the amendments to this Law; and
- WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance with the Legislative Procedures Act due to the COVID-19 pandemic; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, which was then subsequently extended by the OBC until March 22, 2022, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F and BC-01-12-22-B; and
- WHEREAS,** resolution BC-08-03-21-A titled, *Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19*, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed “Low” as identified by the Wisconsin Department of Health Services; and
- WHEREAS,** on March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which suspended the Legislative Procedures Act’s requirement to hold a public meeting during the public comment period for the duration of the Public Health State of Emergency, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period; and
- WHEREAS,** although a public meeting was not held on the proposed amendments to this Law, the public comment period was still held open until November 11, 2021, for the submission of written comments and no individuals submitted written comments during the public comment period; and

**NOW THEREFORE BE IT RESOLVED**, that the amendments to the Furlough law are hereby adopted and shall become effective on February 23, 2022.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 9<sup>th</sup> day of February, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
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Lisa Liggins, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."