

# Memo

To: Employees and Non-Divisional Entities  
From: Chairman Edward Delgado  
Date: October 15, 2013  
Re: Impact of Partial Federal Funding Shut Down

Due to the inability of Congress to agree on a federal budget, a partial shutdown of the U.S. government has been in effect since October 1, 2013. This Congressional budget impasse not only affects services that rely on federal appropriations and grants, but will also impact services that rely on Tribal contribution to operate.

The Oneida Tribe views the lapse in federal funding as a very serious matter. We are committed to doing all we can to work with our Tribal departments and various federal agencies to ensure our programs and services are stabilized to operate during this time. To be proactive, the Oneida Business Committee has implemented cost containment measures and approved a Furlough Policy on an emergency basis. It is our hopes the U.S. Government shutdown will conclude so that no additional cost containment measures will need to be enacted.

The Tribe is closely monitoring the situation and assessing the impacts that this government funding loss has caused. We will continue to review information as it is made available and will communicate such findings to the membership and employees in order to keep you apprised of the situation.

Further information regarding what these measures entail can be found in the attached documents and also at [www.oneida-nsn.gov/ShutdownImpact.aspx](http://www.oneida-nsn.gov/ShutdownImpact.aspx).

# Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

## BC Resolution 10-15-13-A

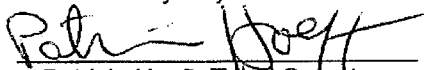
### Emergency Adoption of Furlough Policy

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin, and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS,** the Oneida Business Committee has identified financial constraints due to the United States Government shut down which has halted Federal funding for some Tribal programs and services, and
- WHEREAS,** in order to manage the fiscal responsibility of the 2014 budget and to guarantee no cuts in services and programs, the Oneida Tribe of Indians of Wisconsin needs to implement an emergency Furlough Policy to provide a temporary reduction in work force to be in effect until such time as the United States Government shutdown ends and the Federal funding re-commences, and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months, and
- WHEREAS,** emergency adoption of the Furlough Policy is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and observance of the adoption requirements under the Legislative Procedures Act for passage of laws and policies would be contrary to public interest.

**NOW THEREFORE BE IT RESOLVED,** that the attached Furlough Policy is hereby adopted on an emergency basis for six (6) months, and shall take effect October 15, 2013.

### 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; 6 members were present at a meeting duly called, noticed and held on the 15<sup>th</sup> day of October, 2013; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for, 0 members against, and 1 member not voting; and that said resolution has not been rescinded or amended in any way.

  
Patricia Hoeft, Tribal Secretary  
Oneida Business Committee

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

## **Furlough Policy**

Article I.	Purpose and Policy	Article V.	General Information
Article II.	Adoption, Amendment, or Repeal	Article VI.	Supervisor and/or Designee Responsibility
Article III.	Definitions	Article VII.	Appeal
Article IV.	Covered Employees		

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### **Article I. Purpose and Policy**

- 1-1. The purpose of this Policy is to recognize the need to manage the fiscal responsibility of the annual budget of the Oneida Tribe of Indians of Wisconsin when it experiences a reduction in Federal funding or other loss of revenue that causes a significant operating budget deficit by implementing an employee furlough plan.
- 1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin, that in order to utilize a furlough, they must identify a lack of funding, lack of work, lapse in appropriations or any other budget situation warranting an unpaid leave of absence.

### **Article II. Adoption, Amendment, or Repeal**

- 2-1. This Policy was adopted by the Oneida Business Committee by resolution BC 10-15-13-A.
- 2-2. This Policy may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.
- 2-3. Should a provision of this Policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.
- 2-4. In the event of a conflict between a provision of this Policy and a provision of another policy, the provisions of this Policy shall control.
- 2-4. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

### **Article III. Definitions**

- 3-1. This Article shall govern the definitions of words or phrases as used within this Policy. All words not defined herein shall be used in their ordinary and everyday sense.
  - (a) "Employee" shall mean any individual who is employed by the Tribe and is subject to the direction and control of the Tribe with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship. "Employee" includes, but is not limited to, an individual employed by any program or enterprise of the Tribe, politically appointed employees and temporary employees.
  - (b) "Furlough" shall mean a temporary, unpaid leave of absence from work for a specified period of time for which the employee shall not be able to use accrued personal or vacation time.
  - (c) "General Manager Level Position" shall mean the highest level in the chain of command under the Oneida Business Committee.
  - (d) "Supervisor" shall mean a person who directly oversees the work and performance of an employee on a daily basis.

### **Article IV. Covered Employees**

- 4-1. This policy shall apply to all employees of the Oneida Tribe of Indians of Wisconsin.
- 4-2. Furloughs shall utilize Indian preference to determine which employee is placed on furlough where such option is available.

**Article V. General Information**

- 5-1. If the Oneida Business Committee has identified the necessity for a furlough; a directive by resolution shall be given to the appropriate General Manager Level positions.
- 5-2. Employees placed on furlough shall not be separated from the Oneida Tribe. Employees are strictly prohibited from performing any work on a furlough day. This includes responding to work-related e-mail and voice mail.
- 5-3. Furlough days shall be taken on days that an employee is normally scheduled to work. However, employees may be furloughed for periods of time that include holidays.
- 5-4. No overtime and/or additional duty pay shall be approved as a result of a furlough.
- 5-5. All authorized miscellaneous deductions shall no longer continue to be paid and shall be the responsibility of the employee. These include, but are not limited to: charitable contributions, payroll deduction for Tribal purchases, and child support.
- 5-6. Eligibility for unemployment insurance benefits is determined by the State of Wisconsin. Under the State of Wisconsin Unemployment Compensation Act, partial unemployment benefits are sometimes payable to employees during periods of time when their hours are reduced. The employee shall be responsible for contacting the State of Wisconsin Unemployment Department to determine if they qualify. However, employees using one day of furlough leave in a pay period will generally not qualify for unemployment. The Tribe shall not deny a request for unemployment compensation for leaves of absence due to furlough.
- 5-7. Employees placed on furlough shall not be eligible for back pay awards upon return to regular duty.
- 5-8. Furlough days shall be scheduled in a way that allows the departments to continue to provide a basic level of service.

**Article VI. Supervisor and/or Designee Responsibility**

- 6-1. Upon notification from the appropriate General Manager Level position that furloughs are necessary, the supervisor shall:
  - (a) Identify those employees whose employment status is required to be furloughed subject to the operational needs of the department.
  - (b) Notify those identified employees that his or her employment status shall be furloughed on a temporary basis.
  - (c) Notify the Human Resources Department to inform that the specific employee status is appropriately changed to "furlough", and
  - (d) Notify the furloughed employee of his or her return to work date as determined by the Oneida Business Committee.
  - (e) Notify the Human Resources Department to ensure their employment status is returned to its original status.

**Article VII. Appeal**

- 7-1. An employee placed on furlough does not have the right to appeal such a decision under any Tribal law, policy, or the personnel grievance process.