

ONEIDA CHILD PROTECTIVE BOARD

ORDINANCE

WHEREAS, the Congress of the United States has enacted Public Law 95-608, dated November 8, 1978 (95 Stat. 3069) cited as the "Indian Child Welfare Act of 1978"; and

WHEREAS, the Act has conferred upon Indian Tribes certain authorities and responsibilities relating to the Welfare of children of the several Tribes; and

WHEREAS, these authorities and responsibilities require the utmost care and diligence in their implementation which affects the well-being of all children of the Oneida Tribe of Indians of Wisconsin involved in child-custody proceedings; and

WHEREAS, the Secretary of the Interior has promulgated rules and regulations continued in Title 25 CFR Parts 13 and 23 and has promulgated Recommended Guidelines for State Courts - Indian Child Custody Proceedings; and

WHEREAS, the Oneida Business Committee establishes tribal policies through the enactment of appropriate legislation which is a continuing and complex responsibility; and

WHEREAS, the Oneida Business Committee recognizes its responsibilities and expresses its concern for the Welfare of the children of the Oneida Tribe but believes that the interests of the children would be better served through the Oneida Child Protective Board;

NOW THEREFORE, BE IT ENACTED by the Oneida Tribe of Indians of Wisconsin that all authorities and responsibilities, subject to delegation, conferred upon the Oneida Tribe of Indians of Wisconsin by the Congress of the United States under the Indian Child Welfare Act are hereby delegated to the Oneida Child Protective Board to be administered pursuant to the Indian Child Welfare Act and the Rules and Regulations promulgated thereunder

BE IT FURTHER ENACTED, that following all appeals from the Oneida Business Committee based upon an appeal from the Oneida Child Protective Board, an aggrieved person may have one final appeal to the General Tribal Council whose decision shall be final.

BE IT FURTHER ENACTED, that the Oneida Business Committee is ready at all times to assist the Oneida Child Protective Board in their relationships with State and Tribal Courts and to enter into any agreements with the various State and Tribal governments, agencies and organizations when needed

BE IT FURTHER ENACTED, that the Oneida General Tribal Council shall be furnished with a semi-annual report from the Oneida Child Protective Board on all responsibilities taken under this delegation of authority

BE IT FURTHER ENACTED, that the exercise of the authorities and responsibilities delegated by this Ordinance, shall be under the jurisdiction of the Oneida Child Protective Board, following the Oneida Children's Code provided that the provisions of the Indian Child Welfare Act and the Rules and Regulations promulgated thereunder shall prevail.

BE IT FURTHER ENACTED, that the Oneida Child Protective Board exercising the authorities and responsibilities delegated by this Ordinance shall use all of the resources of the Oneida Tribe, other Indian Tribes and Organizations, Federal Governments and State or local agencies which are available to contribute to the final decision upon which the future life of any Oneida Child may depend in a child custody proceeding

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 9 members, constituting a quorum were present at a meeting duly called, noticed and held on the 25th day of Sept-
ember, 1981; that the foregoing Ordinance was duly adopted at such meeting by a vote of 8 for, and 0 members against, 0 members not voting; and that the said Ordinance has not been rescinded or amended in any way

Wanda Webster
WANDA WEBSTER - TRIBAL SECRETARY

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration:

Hiring:

The Oneida Tribe of Indians of Wisconsin is an equal opportunity employer and follows nondiscriminatory policies in hiring. (See Glossary for definition of nondiscriminatory policies)

a. Establishing Positions

full and part-time Tribal positions will be subject to establishment (approval by the Business Committee. The authority to establish Tribal positions includes setting the salary or wages to be paid. Before establishing any position, the Business Committee will review the recommendations of the:

- program involved
- Personnel Selection Committee
- Tribal administrator

The Business Committee shall review the job descriptions for positions prior to establishment. Qualifications for employment on job descriptions shall be established by the program head and the program advisory committee.

administrator may be contacted to help draft job descriptions

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

1. Hiring (continued):

a. Establishing Positions (continued):

Copies of all job descriptions shall be maintained
by:

- program involved

Personnel Selection Committee (with personnel
records)

Administrator

b. Advertising:

All vacancies and new positions shall be advertised
in public places throughout the reservation for at
least fifteen (15) working days. (See Glossary for
a outline of content of advertisement and where
they shall be posted/placed)

Responsibility for posting of the advertisements
shall rest with the program head. Responsibility
for posting the advertisements for program head
positions shall rest with the administrator

The same procedure may be used for temporary positions

c. Applications and Screening:

Applications for employment may be secured in Tribal
headquarters from either the administrator or the
Tribal Secretary.

Applications and/or resumes shall be submitted by
the deadline date

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

1. Hiring (continued):

c. Applications and Screening (continued)

Screening procedures for applications will be determined by the program head and the program advisory committee

d. Interviewing:

The Equal Employment Officer will be involved in screening and interviewing to insure equal employment opportunities for all applicants

All applicants will be interviewed by the Personnel Selection Committee, program head, others concerned with the program (as defined by the program head and the Tribal Administrator. The Personnel Selection Committee shall weigh the comments of the program head and Administrator in making their recommendation to the Business Committee

It shall be the responsibility of the program head to perform any reference checks which the Personnel Selection Committee feels warranted. Two main factors shall be considered by the Committee before a decision to check references is made:

Salary level

Length of proposed employment

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued)

1. Hiring (continued):

d. Interviewing (continued)

No person shall be recommended for employment if the rules on conflict of interest and nepotism would be violated by their employment.

Glossary for definition of rules)

e. Decision to Hire:

The final decision regarding employment rests with the Business Committee. However, a vote of 5 or more Committee members is required to approve or disapprove a recommendation of the Personnel Selection Committee. If a recommendation is overturned, it shall be the responsibility of the Tribal Secretary to record the reasons supporting such action and make these available to interested parties

No person may hold (and be paid for) two full-time Tribal jobs at one time or two part-time jobs working more than 40 hours per week

f. Probation:

The first 3 months after the initial appointment or promotion shall be considered a period of probation. At the end of 3 months, the employee's progress shall be reviewed with them by the program head

III. OPERATIONAL PROCEDURES (CONTINUED)B. Personnel Administration (continued)Hiring (continued):f. Probation (continued):

At any time during the three-month period, the Personnel Selection Committee, upon being provided with cause, may recommend to the Business Committee that the employee be terminated

2. Employee Evaluations:

Evaluations should be done honestly, disregarding any personality conflicts. An evaluation provides

a means for the supervisor to objectively evaluate the quality of staff performance

a reliable report on the service value of an employee enables the employee to know his strong points,

shortcomings and plans to help him improve

In the case of program supervisory employees, performance evaluations will be conducted twice each year by the Administrator. The program supervisor will do evaluations of nonsupervisory program staff once each year. The Business Committee will do the performance evaluation of the Administrator. The Administrator evaluation shall be done quarterly.

The evaluations shall be given to the Personnel Selection Committee twice annually prior to the January and July General Tribal Council meeting. Evaluation reports for each employee shall be kept in a locked file (in Tribal

III. OPERATIONAL PROCEDURES (CONTINUED)B. Personnel Administration (continued):2. Employee Evaluations (continued):

Headquarters) by the Personnel Selection Committee retained until one year after employment of the individual has ended

Evaluations will be used in determining promotions raises

3. Grievance/Appeal Procedure:

Any employee grievances shall first be presented orally to the immediate supervisor or program head

If no satisfaction is gained, the employee must submit his grievances in writing to the Administrator. If no progress can be made, the grievance shall be forwarded to the program advisory committee (or Personnel Selection Committee if no advisory committee exists)

After a review of the grievance (which may include interviewing the various parties the program advisory committee (or the Personnel Selection Committee) shall render a judgment which shall be final

If the complainant fails to attend any meeting requested by the program advisory committee (or the Personnel Selection Committee), the grievance will be dropped

Those grievances which relate to salary and fringe benefits are not subject to the grievance procedure

The program head and supervisor are responsible for gathering any documentation to support their side of any grievance

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

4. Suspension/Dismissal

Any employee, including program heads and the Administrator, may be suspended or dismissed for violations of policies, procedures, or directives. (Reference P.O.2 and Glossary for detail definition of procedure and cause)

5. Benefits/Compensation:

a. Paydays:

Payrolls shall be prepared by the Treasurer for all programs every two 2) weeks on Friday. It shall be the program supervisor's responsibility to pick up the payroll from the Treasurer

b. Compensatory Time:

employees must have prior approval from their supervisor before working any overtime. Program heads must have prior approval from the Business Committee or the Administrator. The Administrator must get prior approval from the Tribal Chairman. The same procedure as above will apply for taking comp time

employees shall work 40 hours per week. Excess s, which have been approved, must be taken within the pay period to insure 40 hours per week is actually worked. There will be no comp time given for unapproved overtime

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

5. Benefits/Compensation (continued):

b. Compensatory Time (continued)

A formal comp time approval form shall be filled out for each request

All comp time will be reported to the Treasurer on the regular time sheet

It is expected that all employees will arrange their work and working hours so that comp time is not necessary

The Administrator shall work with the Treasurer to periodically report to the Business Committee on how much comp time was taken and for what reason broken down by program

Since Business Committee members receive compensation from the Tribe for their activities, no comp time shall be allowed for time spent in meetings

c. Meeting Attendance:

Approval for all employees for attending any meetings related to Tribal business outside normal working hours or away from the normal places of business (Tribal headquarters, Civic Center, and the Sacred Heart Center must be approved in advance by the program head. Approval for program heads will come from

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

5. Benefits/Compensation (continued)

c. Meeting Attendance (continued):

Business Committee or the Administrator.

Approval for the Administrator will come from the Tribal Chairman

The program head shall submit a list quarterly to the Administrator covering outside meetings program personnel expected to attend. Detailed dates, places, purpose, and people shall be given. Personnel which would normally attend meetings in an unofficial capacity (e.g., parents/education meetings, community members/health meetings) will not be allowed comp time

Administrator shall consolidate the program lists presentation to the Business Committee

Business Committee shall review the list and make any changes it sees fit

Comp time will be checked by the Administrator and Treasurer against the approved list. Any meetings attended which are not approved by the Business Committee will be considered unauthorized and as such not subject to comp time

- . Personnel who take comp time for unauthorized meetings shall be docked in pay and subject to suspension

OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

5 Benefits/Compensation (continued):

d. Sick Leave:

Sick leave is not vacation time and is not to be used as such for a day off now and then. Sick leave is a privilege and not a right

Sick leave is one work day/month for each completed month of service

Part-time employees accrue sick leave for time actually worked at same rate

Sick leave is cumulative to fifteen (15) working days

- . Sick leave greater than three (3) days must be supported by a written medical excuse submitted to the program head or Administrator
- . Sick leave can also be used for a serious illness in the immediate family. (See Glossary for definition of immediate family)

Employees taking sick leave shall notify their supervisor no later than 8:30 a.m. at the office
Any employee should inform his supervisor of any sick leave which he intends to take; for example, a stay in the hospital

All sick leave shall be reported on the employee's time sheet for the Treasurer to update the payroll records

OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

5. Benefits/Compensation (continued):

d. Sick Leave (continued):

Upon termination of employment, accumulated sick leave will be lost. There will be no payments for accumulation of sick leave

Accumulated sick leave is not transferable between programs. If an employee begins work in a new program, the accumulated sick leave from the previous program will be lost

e. Funeral Leave:

. All regular employees required to make funeral arrangements for members of their immediate families (see Glossary) will be given a three-day without the loss of pay

f. Vacation Leave:

Every employee in Tribal service except temporary and seasonal employees shall be allowed vacation leave with pay

Vacation must be taken in full or half days

The amount of vacation leave shall be:

- 1-4 years of service - 1 day/month

5 years of service - 15 days

Part-time employees accrue vacation leave for time actually worked at the same rate

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

5. Benefits/Compensation (continued):

f. Vacation Leave (continued):

Service is defined as working for programs which are contracted by the Tribe - as opposed to grams run through other agencies

An employee must work 90 days before he is eligible to take his vacation leave

Accumulation of vacation leave with pay shall not exceed fifteen (15) days for any Tribal employee

Upon termination from employment, an employee will be paid for any unused annual leave. Any granted but unearned vacation shall be deducted from his last check

It is each employee's responsibility to notify his supervisor of vacation time far enough in advance to allow for scheduling another employee to fill in, if necessary

All vacation time shall be reported on the employee's time sheet to allow the Treasurer to update the payroll records

g. Leaves of Absence:

Leave of absence without pay shall be granted to employees for a justifiable reason and when in interest of the Tribe. Such leaves will not exceed three (3) calendar months. Application for such

OPERATIONAL PROCEDURES (CONTINUED)B. Personnel Administration (continued):5. Benefits/Compensation (continued):g. Leaves of Absence (continued):

leave shall be made in writing to the program head stating the period of leave and the reasons. Disposition of such requests will be made on the basis of staffing requirements.

If it becomes necessary for the program supervisor to fill the employee's position during the absence, hiring will be done on a temporary basis. The employee may be reinstated in the former position with full status.

At least fifteen (15) working days prior to expiration of leave period, the employee must give notice in writing to his supervisor regarding his intention of returning to the position following leave. Failure to provide such written notice shall be interpreted to be that the employee doesn't intend to return to work following his leave and the Tribe may fill his position permanently.

h. Jury Duty:

During a period of jury service, an employee will receive full pay from the Tribe
. No overtime or comp time will be allowed for jury duty

OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

5. Benefits/Compensation (continued):

i. Insurance:

All full-time employees are eligible for the Tribal group hospital and surgical insurance plan. Employees and the Tribe share in the cost of the insurance

The Tribe pays one-half the insurance rate (family rate for married employees) and the individual pays the other half

New employees (full time) should apply for their insurance as soon as possible, but the insurance coverage will not be effective until thirty 30 days from date of employment

Before any employee is reimbursed for mileage while on Tribal business, he must show proof of adequate insurance on his vehicle

6. Recordkeeping:

- . Basic personnel records shall be kept by the Treasurer.
(See III.D.1.f. and P.O.8)

The time sheets and travel records shall be filled out by every employee, for each pay period collected by the program head, and forwarded to the Treasurer

Basic employment data shall be filled out by each new Tribal employee and retained by the Personnel Selection Committee in Tribal Headquarters (Reference P.O.8)

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

7. Career Development:

a. Salary Increase:

Before the end of the fiscal year for ongoing eligible programs, the program head and the Personnel Selection Committee shall review each employee's progress and decide on the appropriateness of a salary increase for that employee.

A schedule of salary increases in percentages for various employment levels shall be developed by the Administrator with all eligible program heads and submitted to the Business Committee for approval. This schedule shall be used for determining salary increases.

(See Glossary for definition of eligible programs.)

The Administrator shall develop standard employment categories/levels to assure a uniform approach is taken on salary levels and increases.

New employees shall be informed in the interviewing process whether the program can provide salary increases

b. Education/Training:

Any Tribal employee shall have the option of taking one course at local educational institutions per semester. The course may be taken on Tribal time (up to 5 hours per week) only if it is not offered at night but must serve the purpose of development of a useful skill (to the Tribe) in the employee (e.g., typing shorthand, accounting, or other management courses).

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

7. Career Development (continued):

b. Education/Training (continued):

- . Each employee must get the approval of the Administrator and his supervisor before taking a course
Under no circumstances shall employees in the same program be gone at the same time
Employees are expected to take a reasonable amount of time off for travel and class; not entire half days

8. Travel

Authorization - within each program, a list of people authorized to travel (and receive reimbursement) shall be developed yearly. The list shall be submitted to the Treasurer for control purposes. Persons not on the lists shall be excluded from reimbursement unless approval of the program head is obtained.

All programs shall use the rates for per diem and mileage listed below for budgeting purposes, any deviations must have specific Business Committee approval. (Reference P.O.9.

a. Cash Advances:

Travel advances may not be made in amounts to exceed the estimated amount of per diem to be earned by the traveler.

OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

8. Travel (continued):

b. Per Diem:

The per diem rate shall not exceed \$30 per day.

c. Mileage:

The mileage rate for use of personally-owned automobile on authorized travel shall not exceed 15¢ per mile

SEMI-ANNUAL
MTG.

d. Certified Statement of Travel Expense:

The traveler will file with the Treasurer a certified statement of travel by the end of the current month

9. Hours of Work:

All full-time positions are scheduled for an 8-hour day and a 40-hour week

Offices should open at 8 a.m. and close at 4:30 p.m. with one hour reserved for lunch

It is recognized that some programs and positions require flexible office and work hours. It is expected that employees will schedule their activities so as not to exceed an 8-hour day and a 40-hour week. For positions where this is not possible, the comp time policies and procedures will still be in effect

10. Attendance:

Employees are expected to be at work each scheduled work

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued)

10. Attendance (continued):

case of an unavoidable delay or absence, always inform your supervisor of this fact as early as possible

Employees failing to report to their assigned jobs or failing to call in within a reasonable period of time shall be subject to disciplinary action

Permission to leave early must be obtained by the employee from his supervisor

11. Holidays:

Tribal holidays are

One-half day Christmas Eve	- Labor Day
Christmas	- Thanksgiving Day
New Years Day	- Indian Day - day
Memorial Day	after Thanksgiving
Independence Day	- Veterans Day

1/2 day Good Friday

If any of the above-named holidays fall on a Sunday

following Monday will be a day off. If the holiday falls on a Saturday, the preceding Friday will be a day off

- Personnel may take a one-day personal holiday by seniority within the employment term in the present program to be taken at any time with the immediate supervisor's approval and providing there are sufficient personnel on to conduct normal business

III. OPERATIONAL PROCEDURES (CONTINUED)

B. Personnel Administration (continued):

Employee Suggestions:

Employee suggestions may be made to the employee's supervisor

If any employee feels his/her suggestion isn't getting the attention it merits he/she may submit the suggestion to the Administrator

Outside Employment:

In most cases, the Business Committee has no objection to part-time employment with a private firm or industry. Before accepting part-time employment, check with your supervisor to make certain that there is no conflict between your regular and part-time work hours.