

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



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.

P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040

RESOLUTION # 3-26-03-A

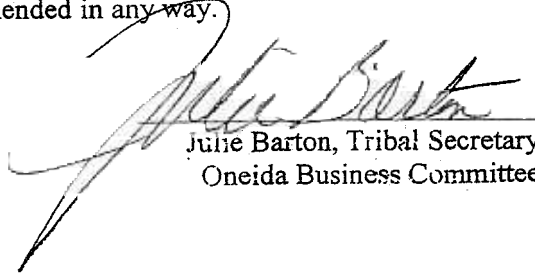
Resolution Adopting Amendments to the Oneida Indian Preference Law Addendum

- WHEREAS,** the Oneida Nation of Indians of Wisconsin is a federally recognized Indian government and a Treaty Tribe recognized by the laws of the United States, and
- WHEREAS,** the Oneida General Tribal Council has been delegated the authority of the Constitution of the Oneida Nation of Indians of Wisconsin, and
- WHEREAS,** the Oneida Business Committee may be delegated duties and responsibilities by the General Tribal Council and is at all times subject to the review powers of the General Tribal Council, and
- WHEREAS,** the Indian Preference Law was adopted by the Oneida Business Committee by Resolution BC 7-29-98 B, and Indian Preference Addendum to that law was adopted by the Oneida Business Committee by Resolution BC 03-27-02-A, and
- WHEREAS,** there is a need for clarification of the Oneida Indian Preference Law Addendum to resolve any misunderstandings or ambiguities in the language of the current law, and
- WHEREAS,** the proposed amendments to the Indian Preference Addendum serves the above stated purpose.

NOW THEREFORE BE IT RESOLVED: that the attached amendments to the Oneida Indian Preference Law Addendum are hereby adopted.

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. 9 members were present at a meeting duly called, noticed and held on the 26th day of March, 2003; that the foregoing resolution was duly adopted at such meeting by a vote of 8 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee

Proposed Amendments to the Indian Preference Addendum

57.9 Indian Preference in Contracting.

57.9-1. All entities of the Oneida Tribe, which include but are not limited to programs, enterprises and other subdivisions of the Oneida Tribe awarding contracts or subcontracts for goods or services with the Oneida Tribe where the majority of the work, service or goods are performed or provided on or near the Oneida Reservation, shall give preference in contracting and subcontracting to Indian-owned businesses, awarded in the following priority:

- (a) Members of the Oneida Tribe of Indians of Wisconsin
- (b) Spouses of enrolled members of the Oneida Tribe of Indians of Wisconsin
- (c) Members of other federally-recognized Indian tribes.

57.9-2. Contract References.

(a) All contracts entered into by the Oneida Tribe, a tribal agency, or an Oneida member-owned business or other vendor shall specifically stipulate that compliance with the Indian Preference Law, as amended, is required, and violation thereof may be deemed a substantial breach. All such contracts shall have a copy of the Indian Preference Law attached, and shall contain an Acknowledgment Clause below the execution lines of the contract, which shall be separately executed by the contractor, said clause to read as follows:

"The undersigned has read the copy of the Oneida Indian Preference Law attached hereto, understands its provisions and their bearing on the contractor's rights and responsibilities, and agrees that such provisions shall govern the contractor's performance of the contract."

(b) All construction contracts entered into by an Oneida member-owned business or other vendor, shall have the Rider I for Construction Contracts attached.

57.9-3. Non-compliance with any term of Rider I for Construction Contracts shall constitute a breach of the contract. (See Rider I, "Qualified Indian Trades Workers Policy" section VII., and "Indian Owned Business Requirements Policy" section VII.) After giving notice of a violation to the non-compliant party and a reasonable time for response, the Indian Preference Department may, at its discretion, initiate the investigation process as required under this law in section 14, "Violations of This Law" and may recommend to the Tribal contracting department that it suspend the contract during the pendency of the investigation. Suspension of the contract shall require the concurrence of the Tribal contracting department.

57.9-4. Subsection 4-18 of the Indian Preference Law shall control for any violations of this article by employees of the Tribe.

57.9-5. Employees of the Oneida Tribe of Indians of Wisconsin hired through the Oneida Human Resources Department or as a contracted employee of the Tribe shall follow the Blue Book or other duly enacted policies of the Tribe that guide employment requirements in regard to Indian Preference. However, employees of the Tribe, in the execution of their employment duties are required to follow the procedures of this law in contracting and bidding procedures for the Tribe.

57.10 Labor Unions

57.13-2. If a complaint has been filed with the Indian Preference Department citing a violation of Section 13-1, the Indian Preference may initiate an investigation of the complaint. If a violation is found, the Indian Preference Department may begin informal resolution or arbitration as required by Section 14-2 (B)(1) or Section 14-2 (B)(2) of this Law. Thereafter, if a resolution is not reached, the complainant or the Indian Preference Department may file a complaint with the Oneida Appeals Commission pursuant to Section 14-3, and the Oneida Appeals Commission may impose those remedies as in Section 14-4.

57.13-3. If the Oneida Appeals Commission determines that there has been a violation of 13-1 by the contractor, the Indian trades worker shall be reinstated in his/her position at the previous wage.

57.13-4. Lay-offs in this section do not apply to employees of the Tribe hired through the Human Resources Department or otherwise contracted by the Tribe as a Tribal employee; this section is applicable to outside contractors and independent contractors.

57.14. Violations of This Law

57.14-1. Complaints of Violation. Any individual aggrieved by what he/she believes to be a violation of this law, or of any regulation or policy issued pursuant to this law, may file a complaint with the Indian Preference Department. The complaint must be in writing and provide such information as is necessary to enable the Indian Preference Department to carry out an investigation.

57.14-2. Investigations. The Indian Preference Department shall have the authority to conduct an investigation of a written complaint that alleges specific violations of this law, Said investigation shall include, but not be limited to, the following: the qualifications of the contractor; the qualifications of the contractor's employees and subcontractors, if any; the qualifications of the aggrieved individual; the circumstances surrounding the alleged violation; the contract; and such other facts as are pertinent to the complaint. Wherever possible, the written complaint should provide such facts as would aid the Department to carry out its investigation. The information collected shall be kept confidential until the hearing or appeal on the matter, but any report or recommendation prepared by the Department for use at the hearing shall be promptly released to the aggrieved person and alleged violator.

(a) Sequence of Events after an investigation of a complaint by the Indian Preference Department, if the Department reasonably believes that there is sufficient evidence of a genuine and material issue of non-compliance with this law:

Informal Resolution: The Indian Preference Department shall attempt an informal resolution by contacting the Tribal contracting party and other parties to the contract, and then meeting with the parties in attempt to resolve the conflict informally and satisfactorily to all the parties.

(A) If an informal resolution to the issue of non-compliance with this law is reached, that resolution shall be in writing and signed by all parties in interest.

(B) The issue shall then remain in abeyance for the term of the contract during which time all parties shall comply with the terms of the informal resolution.

57.14.6. Conflict of Laws. Should a conflict or ambiguity arise between this law and/or the interpretation of this law as compared to Rider I or any other previously enacted Indian Preference Laws, policies or procedures, this law will control.