



**HO-CHUNK NATION CODE (HCC)**  
**TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE**  
**SECTION 8 – OCCUPATIONAL SAFETY AND HEALTH**  
**PROGRAM ACT OF 2002**  
**SUBSECTION 9 – EMERGENCY PREPAREDNESS AND**  
**DISASTER PLANNING**

**ENACTED BY LEGISLATURE: MAY 20, 2002**

**LAST AMENDED AND RESTATED: December 6, 2022**

**CITE AS: 6 HCC § 8-9**

1. **Authority.** See basic document (Occupational Safety and Health Program Act).
2. **Purpose.** This subsection of the Occupational Safety and Health Program Act provides guidelines to foresee potential emergency situations and to make plans to handle them in order to minimize the consequences of an emergency situation. It is the expressed intent of the Ho-Chunk Nation to establish and implement effective planning to protect the Nation’s employees, patrons, assets, and other resources.
3. **General.**
  - a. This planning guidance is prepared pursuant to applicable local, state, federal, and Nation statutes, codes, and ordinances that prescribe responsibility for emergency preparedness planning, emergency assistance, and emergency response.
4. **Responsibilities.**
  - a. Under the provisions of this Subsection, the President of the Ho-Chunk Nation may declare an emergency for the Ho-Chunk Nation due to threats to life and property associated with a major emergency or disaster. The Ho-Chunk Nation Presidential Emergency Declaration will authorize the Emergency Management Coordinator (EMC), or his/her designee to:
    - b. The EMC, or his/her designee shall:

- 1) Coordinate and provide necessary emergency assistance to individuals and families and protect Tribal infrastructure, natural and cultural resources, and other assets.
- 2) Provide supporting documentation such as area/community impacted, summary of damages, Tribal response efforts, and any other information that will help the President determine whether or not to make a declaration

5. **Scope.** The guidance herein is provided in a topical format. The topics are not self-standing. As such for effective Emergency Action Plans (EAPs), each topic requires knowledge and understanding of all other topics. While this subsection is a generic outline, specific and comprehensive plans are required for each facility. Each facility is encouraged to contact the HCN EMC, or his/her designee in the planning, establishment and implementation of their EAP.

6. **Planning Procedure.** Before a facility can initiate an emergency plan it should identify and evaluate the potential disasters that might occur.

a. Emergencies. Emergencies are placed into two categories: natural and manmade; with manmade having two additional sub-categories of intentional and unintentional. Within these categories emergencies are defined as:

- (1) Fire.
- (2) Medical.
- (3) Severe Weather.
- (4) Explosion.
- (5) Bomb Threat.
- (6) Utility Outage.
- (7) Hazardous Material Release.
- (8) Natural Disaster.
- (9) Terrorism.

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b. The next step is to assess and prioritize the potential harm to people, the environment, and property. Time of day and work shift patterns are other factors that need to be considered in assessing potential damage. Planning should take into consideration the impact of a catastrophe that might occur during weekends or holidays when business and governmental facilities are at full utilization.

c. Once the risk assessment of potential emergencies has been completed, the next step of the planning process is preparing a plan of action.

(1) The EMC, or his/her designee is specifically responsible for ensuring the EAP provides for the following functions:

- (a) Emergency operation center (EOC) management.
- (b) Communications.
- (c) Firefighting.
- (d) Security and law enforcement.
- (e) Rescue operations.
- (f) Emergency medical services.
- (g) Damage assessment.
- (h) Mitigation and investigation.
- (i) Public information and media briefings.
- (j) Rumor control.
- (k) On-scene safety functions.
- (l) Warning and evacuation of the facility.
- (m) Utilities and engineering functions.

(2) All these functions are likely to be essential at each facility and should be assigned to various members of the management team. Managers, supervisors, and employees should be familiar with all parts of the plan and should have experience in the area they are to serve.

(3) Other considerations that the EMC, or his/her designee must take into consideration are the amount of external help needed or necessary.

(a) IT Department for business recovery/continuation.

(b) Occupational Safety and Health Division for disaster planning.

(c) Local law enforcement (HCN, county and municipal) for security and traffic control.

(d) Emergency services for fire and medical assistance.

(e) Local government emergency office to coordinate emergency plans.

**7. EAPs for Facilities, Offices and Enterprises.**

a. Facilities' EAPs detail the plans required in the event of disasters of minor, major and catastrophic levels (e.g., power outages, utility outages, or physical destruction of equipment or buildings, etc.).

(1) Each facility, government office, and enterprise owned or operated by the Nation shall develop an EAP to meet the local needs and requirements.

(2) Each facility shall maintain a copy of their EAP. A copy and any updates will be forwarded to the governmental department with oversight authority and to the Department of Labor.

b. The following Departments are responsible for ensuring EAP developments at the facilities indicated:

(1) Department of Business. All gaming facilities and other enterprise operations.

(2) Department of Labor. All government facilities and operations.

(3) Department of Administration.

(a) Executive Director of Administration.

(b) Information Technology (IT). All systems and records necessary for business and governmental recovery and continuation, both short term and long term.

**8. Elements of the Emergency Response Plan (ERP).** The HCN ERP has been developed to provide procedures for the Ho-Chunk Nation government agencies to respond to various types of emergencies or disasters that affect the community and will be maintained in accordance with current standards.

a. **Concept of Operations.** The Emergency Management Coordinator (EMC) will be responsible for coordinating the response of community agencies and coordinating the response with federal, state, tribal and county officials if tribal assistance is necessary.

1. Local agencies assess the nature and scope of the emergency or disaster.
2. If the situation can be handled locally, do so using the procedures in this plan, as appropriate.
  - i. The EMC or his/her designee advises and coordinates all emergency response actions.
  - ii. Community emergency response officials/agencies respond according to the Checklists outlined in the ESFs of the plan.
  - iii. Notify the public of the situation and appropriate actions to take.
  - iv. Keep community and tribal officials informed of the situation and actions taken.
  - v. List any other procedures as may be appropriate for your community.
3. If community and tribal resources become exhausted or if special resources are required, request county assistance through the county emergency management director.
  - i. If assistance is requested, county emergency management, in conjunction with tribal officials, will assess the situation and make recommendations.
    - 1) The county will do the following (to the extent appropriate):
      - a. Activate the County Emergency Operations Center (EOC).
      - b. Implement the County ERP or Emergency Operations Plan (EOP).
      - c. Respond with county resources as requested.

- d. Activate mutual aid agreements.
  - e. Coordinate county resources with community resources.
  - f. Notify the Wisconsin Emergency Management (WEM) Regional Director.
  - g. Forward the Uniform Damage Situation Report (UDSR) form.
  - h. Assist community with prioritizing and allocating resources.
- ii. If community and county resources are exhausted, the Tribal or County Emergency Management Director can request state assistance through the WEM Duty Officer.
- iii. If state assistance is requested, the WEM Administrator in conjunction with the Regional Director and county/tribal emergency management director assess the disaster or emergency situation and recommend that personnel, services and equipment be made available for response, mitigation or recovery.
- iv. After completing the assessment, the WEM Regional Director immediately notifies the WEM Administrator.
- v. The WEM Administrator notifies the Governor and makes recommendations.
- vi. If state assistance is granted, procedures will be followed as stated in the Wisconsin ERP, Ho-Chunk Nation ERP and the County ERP.
- b. Responsibilities and tasks. See Emergency Support Functions (ESFs) of the plan for emergency responsibilities.

(1) Types of emergencies covered.:

- a) ESF 1: EVACUATION AND TRANSPORTATION RESOURCES
- b) ESF 2: WARNING/COMMUNICATIONS
- c) ESF 3: PUBLIC WORKS
- d) ESF 4: FIRE SERVICES
- e) ESF 5: EMERGENCY MANAGEMENT

- f) ESF 6: HUMAN SERVICES
- g) ESF 8: PUBLIC HEALTH SERVICES/EMERGENCY MEDICAL SERVICES
- h) ESF 13: LAW ENFORCEMENT
- i) ESF 15: PUBLIC INFORMATION

ESFs identify and authorize a Department to respond to an incident; it also provides a list of actions when a plan is activated.

- (2) The HCN EMC, or his/her designee is responsible for developing and maintaining the ESFs and ERP.
- (3) HCN Emergency Management Coordinator is authorized to activate the ERP.

c. Emergency Response Organization.

- (1) The ESF designates who has overall responsibility to act for the HCN.
- (2) The ERP directs the emergency control activity within the ESF.
- (3) The ESF and ERP designates who fills key facility positions in the organization during an emergency event

d. Communications.

(1) ESFs and ERPs will designate who handles and how communications are coordinated with Public Affairs and the Joint Information Office (when EOC is activated).

e. Control Centers.

(1) The plan will establish predetermined locations for Incident Command Post (ICP), staging areas, evacuation points and reunifications centers as well as alternatives for each.

f. Accounting for People.

(1) The plan will establish a means of accounting for and tracking all people within their functional area to include employees both involved in the incident and those not involved, members of the public that are within their areas of responsibilities.

g. Fire Fighting.

- (1) The plan will state what agency is responsible for firefighting operations.

h. Material Releases.

- (1) The plan will identify;
  - (i) Who identifies the substance.
  - (ii) Who checks on toxicity, flammability, etc., of the material.
  - (iii) Who is responsible for control of hazardous spills and control of run-off.
  - (iv) Who is responsible for maintaining adequate spill control and supplies.

i. Transportation.

- (1) What provisions have been made for transporting the following:
  - (a) Injured, disabled, and handicapped persons.
  - (b) Medical or Emergency Supplies.
- (2) Are special vehicles (such as trucks, front end loaders, etc.) available.

j. Security.

- (1) Will establish who is responsible for securing the site perimeter.
- (2) Will establish what is the responsibility of facility security.
- (3) Will establish the responsibility of law enforcement.

k. Utilities and Services.

- (1) Will establish who is responsible for maintaining the water supply.
- (2) Will establish who is responsible for maintaining or cutting off electrical power for vital services.
- (3) Will establish who is responsible for obtaining emergency lighting in case of a power failure.



(4) Will establish who is responsible for maintaining drawings on essential utilities for use during emergencies.

l. Outside Agencies (Notification, Alert, Request for Assistance).

(1) Will establish what local outside agencies can be directly contacted and the protocol for contact.

(2) All other outside agencies not connected to the ICS will be contacted through the Office of Emergency Management.

m. Public Affairs and Media Control.

(1) Will establish who handles public and media contacts from that facility and coordination with the OOP Public Affairs Officer or the EOC's Joint Information Center / Office.

**9. Continuity of Operations/Continuity of Government (COOP/COG) Plans.** COOP/COG Plans are under the direct authority of the Labor Department, with the assistance of IT. Plans shall include but are not limited to:

- a. Telecommunications lines and facilities.
- b. Computer systems.
- c. Equipment and personnel.
- d. Reference materials/manuals/reports.
- e. Vital records.
- f. Restoration of property/equipment/vital records/materials.
- g. Insurance company verification of losses.

**10. Notification Procedures.**

a. In the event of an emergency that necessitates the activation of any portion or all of the Ho-Chunk Nation's or its facilities Emergency Action Plans the following departments/branches of the Nation will be notified.

- (1) President of the HCN.
- (2) Vice President of the HCN Legislature

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- (3) Chief Trial Court Judge
- (4) Affected Department(s).
- (5) Division of Safety.
- (6) Hocak Worak (for public affairs assistance).
- (7) IT Department.

b. All those listed on the Emergency Call List, Executive Directors of affected Departments, the President, Vice President, and Safety shall be contacted and informed of the nature of the emergency any time it occurs.

**11. Administration and Enforcement.** See Section 12 of the Occupational Safety and Health Program Act.

Appendix A: Acronyms

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Legislative History:

- 12/6/01 Reviewed by Administration Committee.
- 1/9/02 Legislature posts for 45-Day Public Review.
- 5/20/02 Enacted as Emergency Preparedness/Disaster Planning (6 HCC § 8-9) by Legislative Resolution 5/20/02E.
- 1/28/05 Legislature approves placing out amending draft for 45-Day Public Review.
- 2/16/05 Draft Emergency Preparedness/Disaster Planning (6 HCC § 8-9) sent out for 45-Day Public Review.
- 5/5/05 Legislature tables for representation.
- 10/19/05 Legislative Resolution 10/19/05A enacts the amended and restated Emergency Preparedness and Disaster Planning (6 HHC § 8-9).
- 9/29/22 Legislature posts for 45-Day Public Review.
- 12/6/22 Enacted as Emergency Preparedness/Disaster Planning (6 HCC § 8-9) by Legislative Resolution 12-06-22E.

## Appendix A

### ACRONYMS

**Emergency Support Function (ESF):** Designates who has the authority to act on behalf of the tribe in a disaster, crisis incident or high level emergency. The ESF works in the Emergency Operations Center (EOC) level.

**Emergency Response Plan (ERP):** Has an all-hazard plan approach, i.e. it doesn't matter why you have to evacuate (flood, fire, hazmat, etc.); this is the plan to evacuate. The ERP's work in the Incident Command System (ICS) level.

**Emergency Action Plan (EAP):** Gives step-by-step processes for specific hazards. Plans are more local (unique to each building / facility or division) and more focused on buildings and properties.

**Continuance of Operations (COOP):** Designates how a department, division or facility will provide essential services to its population when regular operations have been interrupted.

**Emergency Operation Plans (EOP's):** By definition, the same thing as an ERP, just worded differently. Use depends on the preferred terminology of who made the plans.

**Incident Command System (ICS):** For use in managing the incident directly and works directly with / are the responders. Made up of five major functional areas; Command, Operations, Planning, Logistics and Finance / Administration. This system is designed to be modular – it can expand or contract according to the needs of the incident and its use is required by the National Incident Management System (NIMS).

**Emergency Operations Center (EOC):** Manages resources across multiple functional areas. Gives strategic direction to the ICS. Works to minimize impact of an event and speed recovery and works with the political leadership and informs the public. Works long after the event is over – ICS terminated.