

ELDERS' SERVICES CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Enacted by Resolution No. 09-088 (July 6, 2009)

ELDERS' SERVICES CODE

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CHAPTER 1. GENERAL PROVISIONS

SECTION 1.01. AUTHORITY

The authority for this Code is found in the CTUIR Constitution, Article II and Article VI, Section 1(d) and Board of Trustees Resolutions No. 00-116, 00-117 and 09-088.

SECTION 1.02. PURPOSE

- A. To provide authorization of a retirement program for the elders of the CTUIR (Tribal Elders' Retirement Program).
- B. To provide authorization of a supplemental security income program for the elders of the CTUIR (Tribal SSI Program) and to make resources available for elders with a demonstrated need in a manner that will not diminish Social Security benefits.

SECTION 1.03. DEFINITIONS

- A. "Elders" shall mean an enrolled member of the CTUIR who has attained the age of 65.
- B. "Federal Supplemental Security Income Program" or "SSI Program" shall mean the programs of the Social Security Administration to provide supplemental security income to individuals who have attained age 65 or are blind or otherwise disabled.
- C. "Income" shall mean both earned and unearned income as defined in the Act establishing the Federal Supplemental Security Income Program at 42 U.S.C. 1382.

CHAPTER 2. TRIBAL ELDERS' RETIREMENT PROGRAM

SECTION 2.01. PROGRAM AUTHORIZATION

There is hereby authorized to be expended from available Tribal appropriations, for the benefit of elders of the CTUIR who do not receive Tribal SSI Program payments, retirement income payments, which shall be paid monthly in such amounts as are set by this Code.

SECTION 2.02. PURPOSE

The purpose of the Tribal Elders' Retirement benefit is to augment other income to which elders of the CTUIR are entitled in order to provide additional comfort and security during their later years.

SECTION 2.03. TRIBAL ELDERS' RETIREMENT PROGRAM

- A. Program Discretionary. The Tribal Elders' Retirement Program benefit shall be discretionary and subject to the amount appropriated by the Board of Trustees. The authorization of the Program does not create any liability on the part of the CTUIR for any future payment, nor shall any member have any vested right in future benefit payments.
- B. Amount. The amount of benefit shall be \$100 per month to all living elders of the CTUIR who are eligible for Tribal Elders' Retirement Program benefits.
- C. Eligibility. Elders of the CTUIR who maintain a current address and who are not receiving Federal Supplemental Security Income or Tribal SSI Program benefits are eligible to receive Tribal Elders' Retirement Program benefits. Members of the CTUIR shall become eligible for Tribal Elders' Retirement Program benefit payments on the first day of the month immediately following their 65th birthday or, in the case of a person who becomes enrolled in the CTUIR after the age of 65, on the first day of the month following their enrollment.

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- D. Source. Benefit payments shall be made from appropriations by the Board of Trustees pursuant to the Tribal Budget from available CTUIR funds.
- E. Method of payment. The method of payment shall be by check, or, at the discretion of the Board of Trustees direct deposit to the elder's accounts or other method as may be beneficial and consistent with the desires of the elders.
- F. Payment date. Payments shall be made on the fifteenth day of each month to all living elders determined to be eligible on the first day of that month.
- G. Waiver. Elders may, upon written, notarized request, waive the benefit or request that it be paid instead to a Tribal trust fund or other benevolent purpose on their behalf, but not to another person unless such person is a legal agent or guardian. Elections may be made indefinitely, or for a certain period of time, not less than six months. Notary shall be waived if the request is signed in the presence of the Tribal Enrollment Officer or Tribal member benefits coordinator.

SECTION 2.04. IMPLEMENTATION AND REVIEW

The Tribal Enrollment Office shall provide for all necessary procedures to carry out the Tribal Elders' Retirement Program as set forth in this Code. The Tribal Enrollment Office or Tribal member benefits coordinator shall provide for review of the Program authorized by this Code not less than once each year and shall make recommendations for such changes as are consistent with the intent of this Code.

SECTION 2.05. DISPUTE RESOLUTION

- A. Disputes as to Eligibility: All issues as to the eligibility of an elder for benefits under this chapter or any dispute about the amount of said benefits shall be resolved by the Tribal Enrollment Office.
- B. Appeal to Tribal Court: An elder may appeal any final decision by the Tribal Enrollment Office on his or her ineligibility to receive Elders' Retirement Income benefits under this Code to the Umatilla Tribal Court.

CHAPTER 3. ELDERS' SUPPLEMENTAL SECURITY INCOME PROGRAM

SECTION 3.01. PROGRAM AUTHORIZATION

There is hereby authorized to be expended from available Tribal appropriations, for the benefit of CTUIR members who are elders who are eligible for or are current recipients of Federal Supplemental Security Income benefits, Tribal SSI Program benefits, which shall be paid monthly in such amounts as are set by this chapter.

SECTION 3.02. PURPOSE

The purpose of the Tribal SSI Program benefit is to augment other income from federal programs received by CTUIR elders who are aged, blind, or otherwise disabled.

SECTION 3.03. TRIBAL SSI PROGRAM

- A. Program Discretionary. Tribal SSI Program shall be discretionary and subject to the amount appropriated by the Board of Trustees. The authorization of the Program does not create any liability on the part of the CTUIR for any future payments, nor shall any member have any vested right in future benefit payments.
- B. Amount. The amount of benefit shall be \$110 per month to all living, eligible elders of the CTUIR, and such other amounts as may be from time to time made available by the Board of Trustees.

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- C. Eligibility. Members of the CTUIR may become eligible for Tribal SSI Program payment on the first day of the month immediately following their 65th birthday, or as they are determined to be eligible, after completion of the application for the Program benefit.
- D. Source. Benefit payments shall be made from appropriations by the Board of Trustees pursuant to the Tribal Budget from available CTUIR funds.
- E. Method of payment. The method of payment shall be by check, or, at the discretion of the Board of Trustees direct deposit to the elders' accounts or other method as may be beneficial and consistent with the desires of the elders.
- F. Payment date. Payments shall be made on the fifteenth day of each month to all living elders determined to be eligible on the first day of that month.
- G. Benefits not to reduce other resources. The benefits paid under this chapter shall not be available to offset, reduce or otherwise interfere with any other resources or benefits to which an elder shall be entitled.

SECTION 3.04. DESIGNATION AS SUPPLEMENTAL SECURITY INCOME

An elder of the CTUIR determined to be eligible for the Tribal SSI Program may request that their payment be designated as "supplemental security income" in order to ensure that the payments are recognized by the Federal Social Security Administration and other agencies in such a manner as to avoid any offset or reduction of Social Security or Supplemental Security payments or other benefits to which the elder may be entitled.

- A. Said designation shall be made only to eligible enrolled CTUIR members who are elders who have submitted an application for such Tribal SSI Program benefits. The Tribal Enrollment Office shall make application forms available to any eligible enrolled member of the CTUIR desiring to apply for such benefits.
- B. The supplemental benefits designation shall be made only to persons who are eligible for payments or are receiving payments under the Federal Supplemental Security Income Program or similar program, or to persons who would be eligible upon filing an application for such payments with the Social Security Administration or other agencies.
- C. Such benefits shall be paid only to such persons who are determined by the Tribal Enrollment Office to meet the above eligibility requirements for such designation.

SECTION 3.05. NOTIFICATION TO SOCIAL SECURITY ADMINISTRATION

In recognition of the fact that the Tribal SSI Program for the payment of supplemental benefits is designed to provide assistance based on need in supplementation of the benefits paid under the Federal SSI Program and to therefore qualify for exclusion as income under the rules and regulations of the Social Security Administration, the Tribal Enrollment Office shall advise the Social Security Administration of any amendments to this Code which shall change the conditions for eligibility or change the provisions or method of payment and shall seek a determination by said amendment on the Program's status as an excluded income payment under the appropriate law and regulations governing the Federal SSI Program.

SECTION 3.06. IMPLEMENTATION AND REVIEW

The Tribal Enrollment Office or Tribal member benefits coordinator shall provide for all necessary procedures to carry out the Tribal SSI Program as set forth in this chapter. The Tribal Enrollment Office shall provide for review of the Program authorized by this chapter not less than once each year and shall make recommendations for such changes as are consistent with the intent of this Code.

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SECTION 3.07. DISPUTE RESOLUTION

- A. Disputes as to Eligibility. All issues as to the eligibility of an elder for benefits under this chapter or any disputes about the amount of said benefits shall be resolved by the Tribal Enrollment Office.
- B. Appeal to Tribal Court. An elder may appeal any final decision by the Tribal Enrollment Office on his or her ineligibility to receive Elders' Supplemental Security Income benefits under this chapter to the Umatilla Tribal Court.

APPENDIX A

LEGISLATIVE HISTORY

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LEGISLATIVE HISTORY

In Resolution No. 00-117 (December 11, 2000), the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted the Elders' Retirement Program Code. Under the terms of that resolution, the Code took effect January 1, 2001.

In preparing the Elders' Retirement Program Code for publication in the *Statutes of the Confederated Tribes of the Umatilla Indian Reservation, 2002 Compilation*, the outline structure of Section 1.02 was modified by deleting the subsection designation "A". This made the outline structure consistent with the structure used in other Tribal codes. Also, because only one definition was listed, the heading of Section 1.02 was changed to "definition" from "definitions". Finally the letter "s" was added to the word "Trustee" in Section 1.01(A) and the abbreviation "No." was inserted following the word "Resolution" in the same subsection.

In Resolution No. 00-116 (December 11, 2000), the Board of Trustees enacted the Elders' Supplemental Security Program Code. Under the terms of that resolution, the Code took effect on January 1, 2001.

In Resolution No. 09-088 (July 6, 2009), the Board of Trustees combined the Elders' Retirement Program Code and the Elders' Supplemental Security Program Code into a single code. As part of this process, the two codes were reformatted to match the Confederated Tribes' standard format for statutes.