



The Eastern Band of Cherokee Indians

GenWell Program



General Wellness | Generational Wellness | Financial Wellness

www.ebci.com/genwell | GenWell@ebci-nsn.gov

EBCI GenWell Program - Summary

- Members receive an equal financial benefit as per capita, based on the same calculation formula & methodology – but net more money in-pocket because the **payment is not taxable**
- Benefit can be paid monthly or semi-annually – replaces the Per Capita loan program with higher monthly benefit
- Application is required, and members must submit their application during an open-enrollment period
Application is only required once unless making changes or exiting the GenWell program
- Members may enter, exit or adjust the frequency of their payments only during open enrollment periods
- Payments will be made by check, direct deposit or a GenWell Platform account
- Garnishments and voluntary assignments for Child Support, Court Fines, Debts to Tribe & Entities stay in place until payment is made in full

I. Purpose

To promote the general welfare of members of the Eastern Band of Cherokee Indians by providing benefit payments for the purposes of housing, education, elder, disabled, cultural & religious, health, transportation, utility costs, personal care, and childcare.

II. Membership and Eligibility

- a) *Membership Requirements.* Those members of the Eastern Band of Cherokee Indians 18 years of age or older, recognized by the Tribe as duly enrolled, and who do not fall within the specific exemptions from eligibility, shall be eligible to participate in the EBCI GenWell Program.
- b) *Exemptions.* The Eastern Band of Cherokee Indians shall have the authority to exempt members from participation in the GenWell program through ordinance and the Cherokee Code.

III. Distribution to Members

- a) *Open Enrollment Period.* Each eligible member may enroll in the EBCI GenWell Program during an established open enrollment period that shall run from March 1st to March 31st and September 1st to September 30th of each calendar year.
- b) *Enrollment in the EBCI GenWell Program.* To enroll in the EBCI GenWell Program an eligible member shall complete and submit an enrollment application during the open enrollment period. Once enrolled in the GenWell program members may only exit or adjust payment frequency during the next available open enrollment period.
- c) *Timing of Distributions.* Each eligible member shall have the option to receive distributions of EBCI GenWell Program payments:
 - 1. *Monthly.* On the second Friday of each month except for June and December when payment shall be made by the 3rd day of the month. Monthly payments are treated as loans and deducted from the June and December payment amounts. There is no fee for monthly payments.
 - 2. *Semi Annually.* In June and December by the 3rd day of the month.

- d) *Amount of Distribution.* The amount of distribution available to each eligible member of the Eastern Band of Cherokee Indians shall be the equivalent of the amount calculated under the provisions of Cherokee Code Section 16C. The amount of distribution shall be less any voluntary assignment or garnishment amount in place for the eligible member.

Eligible members who elect to receive monthly distribution shall be eligible for a maximum of \$800.00 per month, subject to the following schedule:

\$0 - \$1,999 voluntary assignments/garnishments	\$800.00 per month
\$2,000 - \$2,999 voluntary assignments/garnishments	\$500.00 per month
\$3,000 - \$3,499 voluntary assignments/garnishments	\$300.00 per month
\$3,500 - \$3,999 voluntary assignments/garnishments	\$200.00 per month
\$4,000 or more voluntary assignments/garnishments	No monthly payments

Eligible members who elect to receive monthly distribution shall receive their balance of their EBCI GenWell Program benefits in June and December of each calendar year for the eligible period. Monthly payments are treated as loans with the balance of the benefit being paid in June and December.

The amount of annual distribution shall be measured against statistics available from the United States Bureau of Labor Statistics for individual consumer spend and tribal data collected to ensure distribution amounts are not excessive or extravagant.

- e) *Methods of Distribution.* Each eligible member shall have the option to receive distributions of EBCI GenWell Program payments by:
1. *Direct Deposit (Preferred).* Eligible members may elect to receive payments by electronic deposit directly into an established checking or savings account which bears their name.
 2. *Live Check.* Eligible members may elect to receive payments by a live check issued and delivered by United States Postal Service to their address on file with the EBCI Enrollment Office.
 3. *EBCI GenWell Platform.* Eligible members may elect to have their payments posted to a third-party Tribal Member Benefits Platform (TMBP). The platform will act as a deposit account allowing members direct access via a TMBP Debit Card and to establish recurring provider payments. Members electing this option will have access to their account online, via telephone, text message, and mobile application.
- f) *Repayment of Debts to the Tribe or a Tribal Entity.* In connection with a loan transaction or agreement to repay a debt, the Tribe or a Tribal Entity may create a secured interest in an enrolled member’s present and future benefit payments by having the enrolled member execute a security agreement and financing statement, which may be combined into a single document.
- g) *Garnishments and Voluntary Assignments.* Garnishments and voluntary assignment of enrolled member benefits as described in Cherokee Code Section 16C-5 shall carry forward to the EBCI GenWell Program reducing the benefit payments or making the enrolled member ineligible for payments, depending on the amount of garnishment or voluntary assignment, in accordance with the plan design of the EBCI GenWell Program and provisions of Cherokee Code Section 16C-5.

- h) *Deposit Periods.* The periods used to determine eligibility and amount of distribution shall be October to March for June distribution and April to September for December distribution.
- i) *Distribution to Deceased Persons.* Eligible members participating in the EBCI GenWell Program who pass away prior to the date of distributions shall be entitled to a pro rata share of the calculated distribution for each month they were alive during the eligible period. Payments shall be held by the Eastern Band of Cherokee Indians until an estate is opened to handle the decedent's affairs. The authorized or court appointed administrator of the decedent's estate shall make a claim to any benefit payment due within one (1) year of the date of issuance.

IV. Taxation

- a) Benefit payments made to eligible Tribal Members of the Eastern Band of Cherokee Indians are made for their general welfare and intended to be exempt from federal income tax. Benefit payments made under the EBCI GenWell Program are to aid tribal members in meeting financial obligations for housing, education, elder, disabled, cultural & religious, health, transportation, utility costs, personal care, and childcare.

V. Plan Amendments

- a) *Amendments by Resolution of Tribal Council.* Amendments to the plan design and provisions of the EBCI GenWell Program shall be made only by resolution of the Tribal Council ratified by the Principal Chief and shall be required to identify an effective date of such amendments.
- b) *Timing of Amendments.* Amendments to the plan design and provisions of the EBCI GenWell Program shall be made ninety (90) days prior to the next effective open enrollment period.

VI. Application

- a) *Application Required.* Eligible members shall be required to submit an application during an open enrollment period to participate in the EBCI GenWell Program. Applications must be complete and submitted prior to the established deadline for a member to be eligible to receive benefits.
- b) *Written Determinations.* Members of the Eastern Band of Cherokee Indians that make application for the EBCI GenWell Program will receive written confirmation of eligibility and an explanation of benefits.
- c) *Review of Determination.* Members of the Eastern Band of Cherokee Indians who receive a notice of ineligibility for participation in the EBCI GenWell Program may request review of the determination by the Secretary of Treasury who shall provide specific evidence as to the ineligibility.
- d) *Continuation of Benefits.* Upon determination of eligibility to participate and admission in the EBCI GenWell Program each eligible enrolled member shall continue their participation for a period of not less than 6 months. Eligible members shall not be permitted to exit the EBCI GenWell Program and return to per capita distributions as defined in Cherokee Code Section 16C-5 until such time has elapsed.
- e) *Member must provide accurate information.* Distributions are made based on the official tribal membership roll maintained by the EBCI Enrollment Office. Each enrolled member is responsible for ensuring all information provided to the Eastern Band of Cherokee Indians is complete and accurate. Enrolled members are required to keep their information current, and the Tribe is not liable for a member's failure to provide accurate or updated information.