



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



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.

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BC RESOLUTION # 9-10-03-A

Emergency Adoption of Amendments to the Oneida Personnel Policies and Procedures

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the General Tribal Council; and
- WHEREAS,** the Oneida Appeals Commission rendered a decision in Lavina Orosco v. Oneida Bingo and Casino, Docket #02-AC-029 on August 11, 2003 which addressed the grievance filing process contained within the Oneida Personnel Policies and Procedures; and
- WHEREAS,** the Oneida Appeals Commission may interpret Oneida law but can not enact or amend Oneida law through its decisions; and
- WHEREAS,** the Oneida Personnel Policies and Procedures is considered a law which can only be permanently amended by the General Tribal Council; and
- WHEREAS,** Article VI of the Administrative Procedure Act authorizes the Business Committee to enact legislation on an emergency basis, to be in effect for a period of six months, renewable for an additional six months; and
- WHEREAS,** the Oneida Business Committee finds that the vaguaries and ambiguity contained within the Oneida Personnel Policies and Procedures constitute an emergency situation which requires the immediate passage of amendments; and
- WHEREAS,** emergency amending the Oneida Personnel Policies and Procedures is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of laws would be contrary to public interest; and

NOW THEREFORE BE IT RESOLVED that the Oneida Business Committee adopts the following amendments to the Oneida Personnel Policies and Procedures:

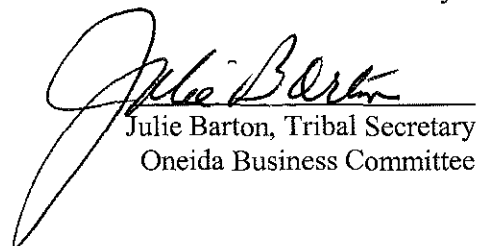
- a. For all disciplinary actions, regardless of severity:
 - 1) The employee (petitioner) must file an appeal in writing.
 - a) The employee may seek the assistance of a spokesperson or advocate at any time after the disciplinary action has been initiated in order to aid in the resolution of the grievance process.
 - b) The appeal must be filed with the Area Manager and the Oneida Human Resources Manager (or designee) within five (5) working days from the day the employee receives the disciplinary action.
 - 2) The Area Manager, for all disciplinary action investigations, will have fifteen (15) working days from the receipt of the employee's appeal to complete the investigation. One extension of no more than ten (10) working days may be requested of and granted by the Oneida Human Resources Manager (or designee) for unforeseen circumstances.
 - 3) The Area Manager will do one of the following:
 - a) Uphold the disciplinary action; or
 - b) Modify the disciplinary action; or
 - c) Overturn the disciplinary action. If a suspension is overturned, the employee (petitioner) will be reinstated with full back pay.
 - 4) The Area Manager will file a decision with the employee and the Oneida Human Resources Manager (or designee) and will include a reason for the decision, an explanation of the decision and the action to be taken as a result of it.
- b. The employee may appeal the Area Manager's decision to the Oneida Personnel Commission. The appeal must be filed with the Oneida Personnel Commission and with the Oneida Human Resources Manager (or designee) within five (5) working days from employee's receipt of the Area Manager's decision.

BE IT FURTHER RESOLVED that subsections one through nine of Section V.D.6.c. shall be renumbered and shall now be cited as Section V.D.6.b. 1) through 9), but shall otherwise remain as written.

BE IT FINALLY RESOLVED that the term "Area Manager" shall be added to the *DEFINITIONS* section in the Oneida Personnel Policies and Procedures and "shall mean, in the non-gaming divisions, the supervisor of the supervisor who disciplined the employee or, in other words, two levels of supervision in the chain of command above the disciplined employee and, in the gaming divisions, it shall mean the individual designated to be the Area Manager by Gaming Management and approved by the HRD Manager (or designee)."

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. 8 members were present at a meeting duly called, noticed and held on the 10th day of September, 2003; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 1 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