



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 # 12-05-07-C

#### *Emergency Amendments to the Personnel Policies and Procedures to Comply with the Amended Drug and Alcohol Free Workplace Policy*

**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 Oneida General Tribal Council; and

**WHEREAS,** the Drug and Alcohol Free Workplace Policy (the "Policy") requires that employees be drug and alcohol free and regulates testing; and

**WHEREAS,** the Oneida Business Committee adopted amendments to the Policy which included changes to address back pay for lost wages and personal and vacation time accruals when an employee tests negative for drugs or alcohol; and

**WHEREAS,** the Personnel Policies and Procedures needs to be amended in order to accommodate the amended Drug and Alcohol Free Workplace Policy.

**WHEREAS,** the current APA authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and

**WHEREAS,** the Oneida Business Committee finds that adopting amendments to the Personnel Policies and Procedures to address conflicts with the amended Drug and Alcohol Policy is an emergency situation which requires the immediate passage of amendments to the Personnel Policies and Procedures; and

**WHEREAS,** emergency adoption of the amendments to the 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.

**NOW THEREFORE BE IT RESOLVED**, that the following amendments to the Personnel Policies and Procedures are hereby made on an emergency basis:

- V.D.2.IV.d. Use of alcohol or illegal controlled substances during work hours. (S/T)  
V.D.2.IV.e. Reporting for work under the influence of alcohol or illegal controlled substances.
- D. 3. ACCUMULATED DISCIPLINARY ACTIONS WARRANTING TERMINATION (Provided that the Drug and Alcohol Free Workplace Policy shall govern disciplinary actions warranting termination for drug or alcohol related violations.)
  - a. The accumulation of three (3) upheld warning notices within any twelve (12) month period. (T)
  - b. The accumulation of two (2) upheld suspensions within any twelve (12) month period. (T)
  - c. The accumulation of three (3) of any combination of upheld warning notices and/or upheld suspensions within any twelve (12) month period. (T)

- Delete the following:

**V.D.4 SUBSTANCE ABUSE DISCIPLINARY PROCEDURE**

a. Violations of rules 2.c.IV.d and 2.c.IV.e will result in the immediate suspension without pay of the employee and the automatic referral of the employee to an appropriate and approved Chemical Dependency Program by the HRD Manager.

1) Upon suspension, the supervisor will notify the HRD Manager who will investigate the incident to determine whether the incident merits further action. This determination will take place after the intake assessment performed by the Chemical Dependency Program of referral.

a) If the employee refuses to undergo the intake assessment, the HRD Manager will terminate the employee. This action may not be appealed.

2) Upon the recommendation of a treatment program by the Chemical Dependency Program of referral, the HRD Manager will issue a final disciplinary action. This action may be:

a) Suspension without pay for a period of up to five (5) days; or

b) Suspension with pay dependent upon the participation by the employee in the recommended treatment program; or

c) Return to work if recommended by the Chemical Dependency Program and consistent with the treatment program.

b. A second offense for rules 2.c.IV.d and/or 2.c.IV.e will result in the immediate suspension without pay of the employee and the automatic referral of the employee by the HRD Manager to an appropriate and approved Chemical Dependency Program.

1) A second offense will result in suspension without pay until the successful completion of a recommended treatment program.

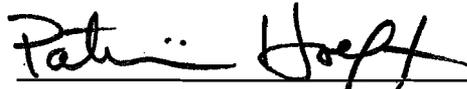
2) Failure by the employee to submit to an intake assessment and/or to participate in a recommended treatment program for this second offense will result in the immediate termination of the employee. This termination may not be appealed.

c. A third offense for rules 2.c.IV.d. and/or 2.c.IV.e will result in the immediate termination of the employee without appeal.

BE IT FINALLY RESOLVED, that the amendments shall be effective immediately and remain in effect for six (6) months unless extended by the Oneida Business Committee for an additional six (6) months.

**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. 7 Members were present at a meeting duly called, noticed and held on the 5th day of December, 2007; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against; 0 member not voting; and that said resolution has not been rescinded or amended in any way.



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Patricia Hoefl, Tribal Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."