

Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



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.



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

**Special Business Committee Meeting
Continuation of GTC Meeting
From June 4, 1998
Re: GTC Action Requirements
of the ITF Recommendations
July 1, 1998
2:30 p.m.**

- PRESENT:** Deborah Doxtator - Chair, Kathy Hughes - Treasurer, Ernie Stevens, Jr, Shirley Hill, Leland Danforth, Sandra Ninham - Council Members
- EXCUSED:** Julie Barton-Tribal Secretary, Tina Danforth - Council Member
- OTHERS:** Caroleen Skenandore, Norbert Skenandore, Noreen Smith, Don Davids, Phyllis Davids, Jeff Mears, Henrietta Oudenhoven, Kalene White, Linda Danforth, Karen Cornelius, Gary Smith, Dottie Krull, Jean Williquette, Leyne Orosco, Pat Pelky, Pearl McLester, Daniel King, C. Metoxen, Mary Greendeer, Patti Hoef, Bruce King, K. Pelky

CALL TO ORDER BY DEBORAH DOXTATOR AT 2:30 P.M.

MOTION BY LELAND DANFORTH TO IMPLEMENT THE RECOMMENDATIONS CONTAINED IN THE MARCH 16, 1998 MEMO FROM THE ONEIDA BUSINESS COMMITTEE TO THE GENERAL TRIBAL COUNCIL TITLED INVESTIGATIVE TASK FORCE REPORT RECOMMENDATIONS, SECONDED BY KATHY HUGHES. MOTION CARRIED UNANIMOUSLY.

(March 16, 1998 Memorandum being referred to is listed below:)

Recommendation #1. Personnel Commission Report on Cases Resulting from the Investigation.

The Oneida Business Committee recommends no action be taken.

The motion of the General Tribal Council on August 2, 1997 directed the cases be referred to the Oneida Appeals Commission for any further action. However, the Investigative Task Force indicated that unless the individuals released this information to the Oneida Appeals Commission, that they were bound by confidentiality agreements and could not present this information. Neither the Oneida Appeals Commission, nor the Oneida Personnel Commission, has received any information or filing of grievances.

The Personnel Commission has indicated that if names were submitted that it could research those names and present a report on any actions within its jurisdiction. The Oneida Appeals Commission has indicated that unless an action is brought by an individual or on behalf of an individual it has no jurisdiction.

Recommendation #2. The Personnel Policies and Procedures (Blue Book) Should be Construed in Favor of the Employee.

The Oneida Business Committee recommends that no action is necessary as this already appears to be occurring in the Personnel Commission hearings and upon review by the Oneida Appeals Commission.

The Legislative Operating Committee reported that a review of the Personnel Commission decisions indicates a strong requirement to follow the procedures as identified either in the Blue Book or Human Resources Department policies. In addition, the Blue Book contains language that indicates that a supervisor must follow the processes set forth and recommended disciplinary action. Where the supervisor feels that the disciplinary action should be greater or lesser than that suggested in the Blue Book, the supervisor must justify that deviation for the suggested action.

Recommendation #3. Disciplinary Actions and Discharge from Employment Should be Made Only Upon a Showing of Good Cause by Management.

The Oneida Business Committee recommends that no action is necessary as the Blue Book allows only one type of termination from employment, and that is a 'for cause' termination.

The Investigative Task Force Report stated that employment with the Oneida Tribe is 'at-will,' meaning an employee could be terminated for any reason or no reason at all. The Legislative Operating Committee reported that in fact employment can be terminated on one of three ways – resignation, lay-off, or termination. A resignation is a voluntary action of the employee to terminate employment. And, a lay-off is strictly regulated by the Lay-Off Policy for economic purposes.

Finally, termination from employment is regulated by processes set forth in the Blue Book. That process identifies the ability of an employee to appeal a termination. Once to the manager of the supervisor making the decision to terminate, and thereafter to the Personnel Commission. In addition, the Personnel Commission decision can be appealed to the Oneida Appeals Commission. Therefore, there appears to be no at-will employment with the Oneida Tribe.

Recommendation #4. The Oneida Administrative Procedures Act and Other Tribal Laws Protecting Employee Rights Needs to Be Utilized. The GTC require that each and every level of management receive training in the APA and that they be required to utilize it as well as other tribal laws when dealing with employment situations.

The Oneida Business Committee recommends follow-up reports from the Human Resources Department regarding training issues be presented in Annual and Semi-Annual General Tribal Council Reports to monitor the continuing training issues.

The Legislative Operating Committee identified that the Human Resources Department contains a Training and Education Department with the responsibility to train employees, as well as supervisors, on employment laws of the Oneida Tribe.

The Human Resources Department report indicates that training in the Administrative Procedures Act would cost approximately \$18,000. In addition, that this training cost would be utilized better in training management on employment related policies, not the Administrative Procedures Act. It is the opinion of the Human Resources Department that the Administrative Procedures Act has lesser impact than other employment policies.

Recommendation #5. The Membership of the Oneida General Tribal Council Should Have an Attorney Representing the Interests of the Membership at GTC Meetings.

The Oneida Business Committee does not recommend that this be implemented as there are already multiple legal offices representing those interests.

The law offices of Skenandore & Associates report indicates that the General Tribal Council is represented through counsel engaged by the Oneida Business Committee. That this legal representation is responsible for protecting the interests of the Oneida Tribe, which is reflective of members of the Oneida Tribe, General Tribal Council members, the General Tribal Council, and the Oneida Business Committee.

Recommendation #6. Electronic Voting Modules Are Needed at GTC Meetings to Accurately Counting Voting. The ITF Recommends That Electronic Voting Modules Be Used at GTC Meetings in Order to Obtain an Accurate Count of GTC Members and Their Votes on Decisions Affecting the Tribe.

The Oneida Business Committee does not recommend that money be allocated to this project as a result of the cost outweighing the benefits.

The Tribal Secretary's Office presented a report outlining the costs associated with developing three electronic voting options. However, the Oneida Business Committee would like to identify that at past General Tribal Council meetings, voice and hand votes have been taken, as well as balloting run and monitored by the Election Board. The manual voting process took approximately one hour, involved the additional cost of printing simple yes/no ballots which was about \$30 - \$50 dollars. Because the disruption was minimal, and the accuracy of both identifying the membership and the counting of the ballots was not questioned, the Oneida Business Committee feels that the expense of an electronic system is not currently justified.

In summary, the Oneida Business Committee recognizes the concerns of the Investigative Task Force and has taken every opportunity to verify the information it has relied on making the above recommendations. Because many recommendations were already in place prior to submission and acceptance of the Investigative Task Force Report, there is little need to make recommendations for implementation. However, the Oneida Business Committee has made recommendations to monitor or follow-up on issues as necessary where such action was indicated as needed.

For the Record, Ernie Stevens, Jr. submitted the August 4, 1997 memorandum he submitted to the Business Committee re: Intent of OGTC Motion on August 2, 1997 as a document for the record.

MOTION BY SANDRA NINHAM TO ADJOURN, SECONDED BY KATHY HUGHES. SHIRLEY HILL ABSTAINED. MOTION CARRIED.

Respectively Submitted,



Deborah Doxtator, Tribal Chairwoman
ONEIDA BUSINESS COMMITTEE