

**CHAPTER 300
EMPLOYMENT LAW**

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300.1. Purpose and Policy

300.1-1. It is the purpose of this Law to define the Tribe’s ~~employee~~Employee and employer responsibilities. This Law ~~shall~~defines the minimum standards regarding hiring, compensation and benefits, ~~employee~~Employee safety, protecting employer assets ~~and~~, progressive corrective disciplinary action and an Employee’s available appeal of said corrective disciplinary action.

300.1-2. It is the policy of the Tribe to provide Tribal departments, divisions, and non-divisions latitude to create ~~Human~~human ~~Resource~~resource practices to fit their individual industry standards through ~~complimenting~~policy guided by this Law, while protecting ~~employees~~Employees from undue political pressure. In addition, while the provisions of certain federal laws may not specifically apply to the Tribe, the Tribe has determined that, unless otherwise specifically stated, the standards created under those federal laws will serve as a guide for the Tribe.

300.2. Adoption, Amendment, Repeal

300.2-1. This Law was adopted by the Oneida General Tribal Council by resolution _____ and is effective six (6) months from the date of adoption.

300.2-2. The Oneida Tribal Management System and amendments to the Tribal Management System, including the Personnel Policies and Procedures adopted by the Oneida Business Committee on May 7, 1985, are hereby repealed.

300.2-~~23~~. This Law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

300.2-~~34~~. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity ~~shall~~does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

300.2-~~45~~. In the event of a conflict between a provision of this Law and a provision of another Law, the provisions of this Law ~~shall~~ control. ~~Provided that, the Oneida Tribal Management System and amendments to the Tribal Management System, including the Personnel Policies and Procedures adopted by the Oneida Business Committee on May 7, 1985, are repealed.~~

300.2-~~56~~. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

300.3 Definitions

300.3-1. This section ~~shall~~governs the definitions of words and phrases used within this Law. All words not defined herein ~~shall~~are to be used in their ordinary and everyday sense.

(a) “Back ~~pay~~Pay” ~~shall~~means money damages owed to an ~~employee~~Employee for a salary or wage that would have been earned in the time taken to litigate the employment dispute, minus amounts that are deducted from salary or income earned from a third-party employer.

40 | (b) “Employee” shall means any individual who is employed by the Tribe and is subject
41 | to the direction and control of the Tribe with respect to the material details of the work
42 | performed, or who has the status of an ~~employee~~Employee under the usual common law
43 | rules applicable to determining the employer-~~employee~~Employee relationship.
44 | “Employee” includes, but is not limited to, an individual employed by any program or
45 | enterprise of the Tribe and ~~political~~Political appointeesAppointees, but does not include
46 | elected or appointed officials, or individuals employed by a Tribally Chartered
47 | Corporation. For purposes of this Law, individuals employed under an employment
48 | contract as a limited term ~~employee~~Employee are ~~employees~~Employees of the Tribe,
49 | not consultants.

50 | (c) “Employee Supervisor” means the party responsible for directly overseeing the
51 | Employee and who is responsible for taking Corrective Action should an Employee fail
52 | to abide by Tribe’s laws and policies, any applicable rules or who may fail to fulfill his or
53 | her job requirements.

54 | ~~(b)~~(d) “HRD” means the Oneida Human Resources Department.

55 | ~~(e)~~(e) “Immediate family~~Family member~~Member” means an individual’s husband,
56 | wife, mother, father, son, daughter, brother, sister, grandparent, grandchild, aunt, uncle,
57 | niece, nephew, mother-in-law, father-in-law, brother-in-law, sister-in-law, first or second
58 | cousin, step-parent, or someone who is recognized by the Oneida General Tribal Council
59 | and/or its delegate as a member of the individual’s extended family.

60 | ~~(d)~~(f) “Involuntarily separatedSeparated” means an ~~employee~~Employee is removed
61 | from employment through whatever means by the employer. This may include, but is not
62 | limited to, investigative leave, suspension or termination.

63 | (g) “Political appointeeAppointee” means an individual appointed as an executive
64 | assistant by an individual Oneida Business Committee member or as an assistant by a
65 | board, committee or commission.

66 | (h) “Reviewing Supervisor” means the party responsible for overseeing the Employee
67 | Supervisor and who may hear an appeal of a Corrective Action taken by an Employee
68 | Supervisor.

69 | ~~(e)~~(i) “Rule” means any exercise of authority delegated to HRD and by HRD pursuant
70 | to this Law in the form of a rule, regulation, policy or any other tool designed to exercise
71 | HRD’s delegated authority in order to implement, interpret and/or enforce this Law. A
72 | Rule does not include any statements, interpretations, decisions, rules, regulations,
73 | policies, procedures or other matters concerning internal management of a department or
74 | division, or, which do not affect the private rights or interests of individuals outside of the
75 | said department or division.

76 | ~~(f)~~(j) “Sexual harassmentHarassment” means unwelcome sexual advances, requests for
77 | sexual favors and other verbal or physical conduct of a sexual nature where:

78 | (1) submission to such conduct is made either explicitly or implicitly a term or
79 | condition of an individual’s employment; or

80 | (2) submission to or rejection of such conduct by an individual is used as the basis
81 | for employment decisions affecting such individual; or

82 | (3) such conduct has the purpose or effect of substantially interfering with an
83 | individual’s work performance or creating an intimidating, hostile or offensive
84 | work environment.

85 | ~~(g)~~(k) “Standard Operating Procedure” means an internal procedure that is created to
86 | govern how a division or department operates and performs its designated functions; a

87 standard operating procedure does not affect parties outside of the division or department
88 to which the procedure belongs.

89 ~~(h)~~(l) “Tribal” or “Tribe” means the Oneida Tribal of Indians of Wisconsin.

90 ~~(i)~~(m) “Tribal ~~member~~Member” means an individual who is an enrolled member of the
91 Oneida Tribe of Indians of Wisconsin.

300.4. Human Resources Department

94 300.4-1. *General Responsibilities.* ~~There shall be a~~The HRD Human Resources Department
95 ~~which shall be responsible for~~shall:

96 (a) ~~Developing~~Develop ~~rules, amend, implement, interpret and enforce Rules~~ necessary
97 to carry out the intent of this Law, the authority for which is hereby delegated to HRD by
98 the Oneida Legislative Operating Committee. ~~and submitting them to the Oneida~~
99 ~~Business Committee for approval.~~The Legislative Operating Committee retains authority
100 to develop and amend Tribal legislation and policy relating to human resources, however,
101 shall avoid having, creating the appearance of having, or attempting to create or have
102 undue influence in day-to-day human resources decisions. The Rules developed by HRD
103 pursuant to this Section:

104 (1) Must be approved by the Oneida Business Committee;

105 (2) Become effective upon _____;

106 (3) Must be noticed to Employees on the Tribe’s intranet.

107 (b) ~~Reviewing~~ and ~~approving~~approve employment related Standard Operating
108 Procedures for all departments and divisions throughout the Tribe.

109 (c) ~~Issuing~~Issue guidance opinions ~~for guidance~~ regarding the application of this Law; ~~and~~
110 ~~policies and procedures~~Rules promulgated pursuant to ~~implement~~ this Law; ~~and~~
111 Standard Operating Procedures created to implement this Law and the Rules promulgated
112 hereunder.

113 (d) ~~Keeping~~ a record of all employment related decisions made by the ~~mangers, area~~
114 ~~managers and the~~ judicial Oneida Judiciary ~~and hearing bodies that are authorized by law~~
115 ~~to hear employee grievances.~~

116 (e) ~~Collecting~~ and ~~maintaining~~ data on human resource related information including,
117 but not limited to, information on hiring, appointments, firing, transfers, employee
118 development, grievances, policy issues and insurances.

119 (1) ~~The Human Resources Department~~HRD shall provide quarterly reports to the
120 Oneida Business Committee in accordance with the established reporting
121 requirements and schedule sent out by the Tribal Secretary’s office.

122 (2) The Oneida Business Committee ~~shall~~may not have direct access to
123 employee information and/or personnel files, especially information relating to
124 individual compensation or disciplines; provided that, the Tribal Chairperson ~~shall~~
125 may have access to information on those personnel who directly report to him or
126 her and each Oneida Business Committee member ~~shall~~may have access to
127 information on his or her political appointee(s).

128 300.4-2. *Administrative.* ~~The~~ sole HRD Department Manager, or his or her designee, is
129 responsible for all of HRD’s administrative duties, ~~which including include,~~ but are not limited
130 to sign-offs, assessments, planning, budgeting, goal setting, continuous improvement and other
131 day-to-day management decisions relating to ~~the Human Resources Department shall be the~~
132 responsibility of the Human Resources Department Manager, or designeeHRD.

133 300.4-3. *Authorities*Tribal Departments, Divisions, and Non-Divisions.

134 ~~(a) The Legislative Operating Committee shall:~~

- (1) ~~develop Tribal legislation relating to human resources;~~
(2) ~~not have, create the appearance of, or attempt to create or have undue influence in day to day personnel related decisions.~~

~~(b) The Human Resources Department shall interpret, notify employees of and enforce the Tribe's employment rules.~~

~~(c) Individual Tribal departments, divisions, and non-divisions shall implement and comply with this Law and the Rules promulgated under Section 300.4-1(a) the Tribe's employment rules and, if necessary, develop Standard Operating Procedures for the implementation of said Rules. If the development of Standard Operating Procedures is deemed necessary, either by HRD or the individual Tribal department, division or non-division, said Standard Operating Procedure must be reviewed and approved by HRD prior to becoming effective.~~

300.4-4. *Memorandum of Understanding.* The Oneida Business Committee and ~~Human Resources Department shall~~ HRD shall negotiate and enter into a memorandum of understanding which ~~shall governs~~ the relationship between the two ~~entities parties by establishing~~ and the responsibilities and expectations of each ~~entity party~~ with regard to the management of ~~HRD the Human Resources Department.~~

300.5. Hiring

300.5-1. *Hiring Philosophy.* The Tribe shall recruit, hire, retain and develop individuals who are culturally respectful, professionally competent and civically responsible. ~~Upholding the HRD must uphold the~~ Tribe's sovereignty, and adhering to Tribal laws and policies ~~are the Tribe's priorities~~ in its hiring and employment practices.

~~(a) Federal policy since 1834 accords hiring preference to Indians. Additional legislation such as the Civil Rights Act of 1964 and the Education Amendments of 1972 specifically provide for preferential hiring of Indians by Indian tribes. The purposes of this preference are to:~~

- ~~(1) give Indians a greater participation in self government;~~
~~(2) further the Government's trust obligation; and~~
~~(3) increase the positive effect of having Indians administer matters that affect Indian tribal life.~~

~~(b) As an employer, the Tribe seeks to employ individuals who possess the skills, abilities and background to meet the employment needs of the Tribe.~~

~~(c) As a sovereign Indian Tribe and a unique cultural group, the Tribe has determined that a highly desirable employment characteristic is knowledge of Oneida culture that can be attained only by membership in the Tribe or by being a descendant of the Tribe. Further, the Tribe recognizes the unique, shared culture of Native American Indians and has determined that a desirable employment characteristic is status as a member of an American Indian tribe. At a minimum, the Tribe has determined that some knowledge of Indian culture is a desirable employment characteristic.~~

300.5-2. *Equal Employment Opportunities.* The Tribe ~~shall may~~ not discriminate against an ~~employee Employee~~ or applicant based on an individual's sex, race, religion, national origin, pregnancy, age, marital status, sexual orientation, or disability; however, the Tribe shall follow the preferences outlined in Section 300.5-3 and without violating this Law such preferences may not be considered a violation of this Law.

300.5-3. *Preferred Hiring Oneida Preference.* As a sovereign and a unique cultural group, the Tribe finds it highly desirable that Employees possess knowledge of the Oneida culture, which can only be attained by having membership in the Tribe or by being a descendant of the Tribe. Further, the Tribe recognizes the unique shared general culture of members of all tribes and finds

183 it desirable that an Employee share in the Tribe's general cultural understanding by being a
184 member of any federal recognized tribe as a secondary preference to membership in this Tribe.

185 (a) Unless otherwise prohibited by law or grant funding requirements, the Tribe shall
186 apply the following order of priorities of Oneida preference Preference in staffing
187 decisions:

188 (1) Tribal member.

189 (2) First generation Oneida descendant and/or individual with at least one-quarter
190 (1/4) Oneida blood quantum who is enrolled in a federally recognized tribe other
191 than the Oneida Tribe.

192 (3) ~~Other Indians~~ Individual enrolled in any federally recognized tribe other than
193 this Tribe.

194 (4) Other (non-Indian).

195 (b) If a law or grant funding requirements prohibit the application of Oneida Preference
196 in accordance with 300.5-3(a)(4), the Tribe shall make staffing decisions employees shall
197 be selected in accordance with the Indian Preference requirements of said law or grant.

198 (c) ~~Application of Oneida Preference preference shall only apply~~ applies only when an
199 applicant meets all the minimum requirements ~~for of~~ the position applied for.

200 (d) *Oneida-Only Positions.* To the extent possible, All-all top administrative and
201 political appointee positions shall-must be held by Tribal members.¹ ~~However, i~~ If a
202 position requires specific skills and/or licensing by the state or federal government and
203 there are not any available Tribal members who possess the necessary skills or licensing
204 to perform-assume the position, only then may a non-Tribal member ~~may~~ be selected to
205 fill the position.

206 300.5-4. *Education.* Employees under the age of fifty (50) who do not have a High-high School
207 school Diploma-diploma or its equivalent at the time of hire, shall obtain a High-high School
208 school Diplomadiploma, a High-high School-school Equivalency-equivalency Diploma-diploma
209 or a General-general Equivalency-equivalency Diploma-diploma within one (1) year of being
210 hired. Employees that do not meet this deadline and have not been granted an extension from ~~the~~
211 Human Resources Department HRD Manager shall-may be laid off until the employee provides
212 documentation to ~~the Human Resources Department HRD Manager~~ HRD Manager that he or she is in
213 compliance with this ~~section~~ Section.

214 300.5-5. *Workplace Safety* The Tribe is committed to protecting the safety, health and well-
215 being of all ~~employees~~ Employees, and other individuals in the workplace. Alcohol and drug use
216 pose a significant health and safety threat not only to the user but also to customers and other
217 ~~employees~~ Employees. ~~The Tribe HRD~~ shall establish a drug and alcohol policy that applies to all
218 applicants for employment, whether external or internal, and all ~~employees~~ Employees, ~~regarding~~
219 ~~prohibited drugs and/or alcohol~~.

220 300.5-6. *Conflicts.* ~~No~~ An applicant is ineligible for positions for which person-he or she shall
221 be eligible for a position if he or she has has a conflict of interest, as defined by the Conflict of
222 Interest Policy, and/or if he or she would be directly supervised by an ~~immediate~~ Immediate
223 ~~family~~ Family member Member.

224 300.5-7. *Right to Work.* No person ~~shall-may~~ be required to do any of the following in order to
225 become or remain ~~as an employee~~ Employee of the Tribe:

226 (a) resign or refrain from being a member of a labor organization;

227 (b) become or remain a member of a labor organization; or

¹ January 8, 1990 GTC: Debbie Powless moved that the General Manager's and all top administrative positions be held by enrolled tribal members, motion seconded. ... Main motion carried.

228 (c) pay dues or other charges to a labor organization.
229

230 **300.6. Compensation and Benefits**

231 300.6-1. *Compensation Plan.* ~~The Human Resources Department~~HRD shall develop and
232 institute an ~~employee~~Employee ~~compensation~~Compensation ~~plan~~Plan, ~~approved by the Oneida~~
233 ~~Business Committee~~, to assure equitable salary and wage levels; the said plan must be approved
234 by the Oneida Business Committee and must receive the said approval before becoming
235 effective. Wage adjustments and benefits available to ~~employees~~Employees are dependent upon
236 available funding allocations.

237 300.6-2. *Designation of Employees.* The Tribe shall use the standards created under the Fair
238 Labor Standards Act to designate its ~~employees~~Employees as either nonexempt or exempt and
239 to set minimum wage and maximum hour restrictions.

240 300.6-3. *Insurance and Retirement.* The Tribe may provide insurances and/or a retirement plan
241 as a benefit to full-time ~~employees~~Employees. Emergency or temporary ~~employees~~Employees
242 ~~may are~~ not ~~be~~-eligible for these benefits.

243 300.6-4. *Time Off.* The Tribe shall afford Tribal employees ~~Employees shall be allowed~~ paid
244 time off to the extent that paid time off is accumulated, ~~as determined by~~ based continuous
245 service ~~for to~~ the Tribe. HRD shall establish rates of accrual and the process for requesting paid
246 time off in the Rules it is charged with developing under Section 300.4-1(a).

247 300.6-5. *Leaves.* Employees of the Tribe ~~shall may~~ be allowed leave under circumstances
248 according to ~~applicable Tribal rules~~the Rules developed under Section 300.4-1(a) and other
249 Tribal laws and policies. If applicable to an Employee's basis for leave, The the Tribe may ~~also~~
250 offer an ~~employee~~Employee on leave the opportunity to return to work and conduct temporary,
251 transitional work within the ~~employee's~~Employee's functional capacity and/or rehabilitative
252 needs.
253

254 **300.7. General**

255 300.7-1. *Employee Development.* The Tribe encourages the advancement and transfer of
256 ~~employees~~Employees in order to make the best possible use of human resources. Employees
257 who wish to advance in the organization may work with the Human Resources Department to
258 develop a personal development plan.

259 300.7-2. *Employee Records.* The Tribe collects information from ~~employees~~Employees to
260 make ~~personnel~~ human resource decisions and HRB shall ~~store s them within the Human~~
261 ~~Resources Department~~these Employee records in a manner that maintains the records' private
262 and confidential nature. All iInformation contained in ~~these files is private and confidential and~~
263 ~~shall~~Employee records may only be released in the following situations:

264 (a) ~~A Current current and or~~ past ~~employees~~Employee shall may have access to ~~their his~~
265 or her own ~~employment files~~Employee record.

266 (b) If required by law, The the Tribe shall release ~~applicable the~~ information required to
267 be released to outside parties when obligated to do so by law to the party the law
268 designates as entitled to receive said information.

269 (c) ~~Other outside parties~~A third party may ~~have access to an~~ employee's Employee's file
270 record if the Employee provides written consent to release his or her record to a
271 designated third party with the employee's authorization.

272 300.7-3. *Safety and Fitness-for-Duty.* In order to create a safe and healthy work environment
273 for Employees and to keep the number of job-related illnesses and/or injuries to a minimum, The
274 the Tribe shall maintain safety standards for the Tribe as an employer, in accordance with the
275 Tribe's applicable ~~Tribal~~ laws and policies, and shall also to create a safe and healthy work

276 | ~~environment for employees and to keep the number of job-related illnesses or injuries to a~~
277 | ~~minimum. In addition, the Tribe shall also maintain standards that require~~ requiring employees
278 | Employees to perform their ~~essential~~ job duties in a safe, secure, productive and effective
279 | manner.

280 | 300.7-4. *Worker's Compensation.* ~~Employees shall be eligible for compensation and medical~~
281 | ~~benefits for compensable injuries suffered in the employment of the Tribe in accordance with~~
282 | ~~applicable Tribal law.~~ The Tribe shall comply with the Worker's Compensation Law in
283 | determining eligibility for compensation and medical benefits for any Employee sustaining
284 | injuries in the course of their employment with the Tribe.

285 | 300.7-5. *Unemployment Insurance.* The Tribe ~~adheres to~~ shall comply with the State of
286 | Wisconsin's unemployment insurance program; ~~and e~~ Employees of the Tribe may be eligible for
287 | unemployment benefits in accordance with the provisions of the laws of the State of Wisconsin.

288

289 | **300.8. Employee Responsibilities**

290 | 300.8-1. *Harassment and Discrimination Prohibited.* ~~Employees are prohibited from s~~ All
291 | Employees are expressly prohibited from committing Sexually harassing Harassment of another
292 | individual or engaging in any conduct that harasses or discriminates against another based on
293 | sex, race, religion, national origin, pregnancy, age, marital status, sexual orientation, or
294 | disability, provided that Employees must comply with the Oneida Preferences identified in
295 | Section 300.5-3 and such compliance is not a violation of this provision.

296 | 300.8-2. *Child Abuse and Neglect Reporting.* All ~~Tribal e~~ Employees shall protect the health and
297 | welfare of the children with whom they come into contact during the course of their
298 | ~~employment~~ Employment. In addition to those professional ~~employees~~ Employees who have a
299 | duty to report child abuse or neglect, all ~~employees~~ Employees who have children in their charge
300 | as an ~~employee~~ Employee of the Tribe have a responsibility to report actual or suspected child
301 | abuse or neglect.

302 | 300.8-3. *Anonymous Information.* Employees who receive anonymous information of any type
303 | shall maintain the confidentiality of the said information confidentially and forward a summary
304 | of the information to the Chief of the Oneida Police Department expressly noting that the
305 | information was provided anonymously.

306 | 300.8-~~43~~. *Employee Protection.* ~~Employees who disclose actions against the Tribe to prevent or~~
307 | ~~eliminate waste, fraud and/or abuse of authority, Tribal assets and/or Tribal financial resources in~~
308 | ~~the manner outlined in the Tribe's employee rules, shall be protected from retaliation for their~~
309 | ~~disclosure.~~ The Tribe shall protect any Employee who reports an Employee's, Political
310 | Appointee's and/or Tribal official's violation(s) of Tribal laws, policies or rules from retaliatory
311 | action.

312 | 300.8-~~54~~. *Reporting of Violations.* No ~~employee~~ Employee may retaliate against or permit
313 | retaliation against an ~~employee~~ Employee who reports an Employee's, Political Appointee's
314 | and/or Tribal official's violation(s) of this Law or Tribal policy ~~the Tribe's laws, policies or rules.~~

315

316 | **300.9. Layoffs**

317 | 300.9-1. Employees may be laid off to the extent necessary to enable ~~for~~ the Tribe to operate
318 | effectively and efficiently in varying economic conditions.

319 | 300.9-2. Employees ~~who are~~ placed on a layoff and recalled within twenty-six (26) weeks of the
320 | layoff date ~~shall have~~ are considered to have maintained continuous service to the Tribe, but ~~shall~~
321 | may not accumulate benefits during the layoff period. Employees placed on layoff and ~~who are~~
322 | not recalled within twenty-six (26) weeks of the layoff date ~~shall have their employment~~
323 | terminated are terminated, effective upon the last day of the twenty-sixth (26th) week of the layoff

324 date.

325 300.9-3. Layoffs ~~shall~~ may not be used for disciplinary reasons.

326 300.9-4. The Tribe's decision to layoff an Employee and are is not subject to appealable.

300.10. Employee Discipline and Grievances

329 300.10-1. ~~The Human Resources Department~~ HRD shall develop, implement and enforce
330 progressive disciplinary Rules and Standard Operating ~~procedures~~ Procedures for use by
331 supervisors to correct unacceptable work performance and/or behavior pursuant to Section
332 300.4-1(a).

333 300.10-2. Employees who disagree with a disciplinary action may contest the action within
334 using the Rules and procedures, which HRD shall develop pursuant to Section 300.4-1(a),
335 procedures established by the Human Resources Department and based on the following
336 available levels of review-:

337 (a) First Level of Review. Any Employee contesting the validity of a Corrective Action
338 may appeal the Corrective Action to his or her Reviewing Supervisor. Unless the
339 Employee asserts that the contested Corrective Action amounts to a deprivation of an
340 Equal Employment Opportunity based on the Tribe's policy under Section 300-5.2, the
341 decision of the Reviewing Supervisor is final.

342 (b) Second Level of Review. An Employee that is unhappy with the Reviewing
343 Supervisor's decision regarding a contested Corrective Action, and, is able to
344 demonstrate that the contested Corrective Action amounts to a deprivation of an Equal
345 Employment Opportunity based on the Tribe's policy under Section 300-5.2, may appeal
346 the Reviewing Supervisor's decision to the Oneida Judiciary.

347 (1) Should the Oneida Judiciary determine that there was an intentional
348 deprivation of an Equal Employment Opportunity based on the Tribe's policy
349 under Section 300.5-2, the Oneida Judiciary may award compensatory damages,
350 including, but not limited to, attorney's or advocate's fees and court costs, as
351 against the individual(s) found to have engaged in the intentional deprivation of
352 an Equal Employment Opportunity. Said compensatory damages may not be
353 awarded against the Tribe.

354 300.10-3. Back Pay. Employees who are ~~involuntarily~~ Involuntarily separated ~~Separated~~ from
355 employment may be eligible for ~~back~~ Back pay Pay. In considering whether Back Pay is
356 appropriate in a given circumstance, the Tribe shall comply with the Back Pay Policy and,
357 further, may ~~The Tribe shall~~ not include the following in any ~~back~~ Back pay Pay amount:

- 358 (a) Punitive damages;
- 359 (b) Consequential damages (e.g. Penalties on early withdrawal of 401(k) account);
- 360 (c) Attorney's fees.

300.11. Violations

363 300.11-1. ~~Complaints of an alleged violation of this Law may be filed with the Tribe's judicial~~
364 ~~system. The Tribe's judicial system, upon finding that this Law was violated, shall be authorized~~
365 ~~to:~~

366 ~~(a) impose compensatory damages, including attorney's fees and court costs, in cases of~~
367 ~~intentional discrimination; and/or~~

368 ~~(b) award back pay to the individual.~~ Unless expressly stated otherwise in this Law, claims of
369 alleged violations of this Law may be filed with the Oneida Judiciary.

370
371 End.

