

**CHAPTER 300  
EMPLOYMENT LAW**

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**300.1. Purpose and Policy**

300.1-1. It is the purpose of this Law to provide a fair, consistent and efficient structure to govern all employment matters.

300.1-2. It is the Nation's policy ~~of the Tribe~~ to provide Tribal Entities~~entities~~ latitude to create human resource practices to fit their individual industry standards, while creating a strong and healthy work environment. In addition, although certain federal and state laws, specifically Title VII, do not apply to the Tribe~~Nation~~, the Tribe's~~Nation's~~ employment policy is to afford applicants and Employees ~~Equal Employment Opportunities~~employees equal employment opportunities while recognizing the Tribe's~~Nation's~~ Oneida and Indian employment preference.

**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including the Personnel Policies and Procedures adopted by the Oneida Business Committee on May 7, 1985, are hereby repealed.~~

~~300.2-3. This Law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.~~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-~~4~~3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

300.2-~~5~~4. In the event of a conflict between a provision of this Law and a provision of another Law, the provisions of this Law control, provided that this Law repeals the following:

- (a) 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;
- (b) BC Resolution BC-05-11-11-A entitled Establish Tuberculosis Control Program;
- (c) The Employee Protection Policy adopted by emergency pursuant to BC-4-20-95-B, permanently adopted pursuant to BC-12-6-95-B and subsequently amended pursuant to BC-1-20-99-B and BC-6-30-04-J;
- (d) The GED Policy approved by the Oneida Business Committee on October 21, 1992;
- (e) BC Resolution BC-07-22-09-B entitled Oneida Nation Veterans Affairs Committee, Paid Time Off for Selected Color Guard Members Who Are Employees;
- (f) The Parent Leave Policy adopted pursuant to BC-03-02-94-A;

36 (g) BC Resolution 04-05-95-A regarding a paid break for donating blood at a blood drive  
37 coordinated by the TribeNation;

38 (h) BC Resolution 05-12-93-J regarding HRD’s role in the interpretation, implementation  
39 and enforcement of the Personnel, Policies and Procedures; and

40 ~~(i) The Clean Air Policy adopted by a Business Committee motion on 05-52-94 and~~  
41 ~~subsequently amended pursuant to BC 02-24-10-I and BC 05-28-14-A.~~

42 (i) GTC Resolution 05-23-11-A entitled Personnel Policies and Procedures Amendments  
43 to Strengthen Indian Preference in Hiring.

44 300.2-6. This Law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians~~  
45 of WisconsinNation.

### 47 300.3. Definitions

48 300.3-1. This section governs the definitions of words and phrases used within this Law. All  
49 words not defined herein are to be used in their ordinary and everyday sense.

50 (a) “Adverse Employment Action” means a supervisor’s failure to comply with the  
51 employment ~~Rules~~rules that results in a significant change in an ~~Employee’s~~employee’s  
52 employment status that is more disruptive than a mere inconvenience or an alteration of  
53 job responsibilities and may include a deprivation of an ~~Equal Employment~~  
54 ~~Opportunity~~equal employment opportunity.

55 (b) “At-Will Employee” means an employee working for the TribeNation on a short term  
56 basis that is not hired through the standard hiring procedures, including, but not limited  
57 to, ~~Political Appointees~~political appointees, part-time, seasonal, and volunteer workers,  
58 and new Employees that have not yet completed their probationary period pursuant to the  
59 Rules developed by HRD.

60 (c) “Corrective Action” means any initiative taken by an ~~Employee Supervisor~~employee  
61 supervisor with the goal of correcting an ~~Employee’s~~employee’s prohibited behavior as  
62 identified in the Rules~~rules~~ created by HRD.

63 (d) “Cost of Living Adjustments” means wage or salary modifications which allow  
64 ~~Employees~~employees to sustain a certain level of living, including basic expenses such as  
65 housing, food, taxes and healthcare.

66 (e) “Employee” means any individual who is hired by the TribeNation through the  
67 normal hiring process, works full-time (30 or more hours per week) or part-time (less  
68 than 30 hours per week) and is subject to the Nation’s direction and control ~~of the Tribe~~  
69 with respect to the material details of the work performed. “Employee” includes, but is  
70 not limited to, individuals employed by any ~~Entity~~entity and individuals employed  
71 through an employment contract as a limited term employee, but does not include elected  
72 or appointed officials, ~~At-Will Employees~~at-will employees or individuals employed by a  
73 ~~Tribally~~tribally chartered corporation. Throughout this ~~law~~Law all references to  
74 ~~Employee~~employee include both ~~Employees~~employees and ~~At-Will Employees~~at-will  
75 employees, unless the term ~~At-Will Employee~~at-will employee is used, in which case  
76 only ~~At-Will Employees~~at-will employees are intended.

77 (f) “Employee Supervisor” means the party responsible for directly overseeing the  
78 ~~Employee~~employee and who is responsible for taking ~~Corrective Actions~~corrective  
79 actions when ~~Employees~~employees fail to meet their responsibilities.

80 (g) “Entity” means any ~~division~~—of the TribeNation’s divisions having  
81 ~~Employees~~employees and may include, but is not limited to, departments, areas,  
82 programs, enterprises, board, committees, commissions and the like.

83 | (h) “Equal Employment Opportunity” or “EEO” means the ~~Tribe’s~~Nation’s consideration  
84 | for hiring selection and position retention and compensation and benefit distribution that  
85 | is free from discrimination against any person on the basis of race (~~although Oneida and~~  
86 | ~~Indian Preference are allowable and are not considered a deprivation of an EEO~~), color,  
87 | religion, sex (including pregnancy), national origin, age, disability, economic status or  
88 | genetic information. Oneida and Indian Preference are allowable and are not considered  
89 | a deprivation of an EEO.

90 | (i) “HRD” means the Oneida Human Resources Department.

91 | (j) “Immediate Family Member” means an individual’s husband, wife, mother, father,  
92 | step mother, step father, son, daughter, step son, step daughter, brother, sister, step  
93 | brother, step sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-  
94 | law, son-in-law, brother-in-law or sister-in-law.

95 | (k) “Involuntarily Separated” means an ~~Employee~~employee is removed from  
96 | employment.

97 | (l) “Political Appointee” means an individual appointed as an executive assistant by an  
98 | individual Oneida Business Committee member or as an assistant by a board, committee  
99 | or commission.

100 | (m) “Reviewing Supervisor” means the party responsible for overseeing the ~~Employee~~  
101 | ~~Supervisor~~employee supervisor and who may hear an appeal of a ~~Corrective~~  
102 | ~~Action~~corrective action taken by an ~~Employee Supervisor~~employee supervisor.

103 | (n) “Rule” means any exercise of authority delegated to HRD ~~and by HRD pursuant to~~  
104 | ~~this Law in the form of a rule, regulation, policy or any other tool designed to exercise~~  
105 | ~~HRD’s delegated authority~~ in order to implement, interpret and/or enforce this Law. A  
106 | ~~Rule~~“rule” does not include any statements, interpretations, decisions, rules, regulations,  
107 | policies, standard operating procedures or other matters concerning internal management  
108 | of an ~~Entity~~entity, or, which do not affect the private rights or interests of individuals  
109 | outside of the said ~~Entity~~entity.

110 | (o) “Sexual Harassment” means unwelcome sexual advances, requests for sexual favors  
111 | and other verbal or physical conduct of a sexual nature where:

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

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

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

119 | (p) “Standard Operating Procedure” means an internal procedure that is created to govern  
120 | how an Entity operates and performs its designated functions; a standard operating  
121 | procedure does not affect parties outside of the ~~Entity~~entity to which the procedure  
122 | belongs.

123 | (q) “~~Tribal~~” or “~~Tribe~~Nation” means the Oneida ~~Tribal of Indians of Wisconsin~~Nation.

124 | (r) “Tribal Member” means an individual who is an enrolled member of the Oneida  
125 | ~~Tribal of Indians of Wisconsin~~Nation.

#### 127 | **300.4. Human Resources Department**

128 | 300.4-1. General Responsibilities. The HRD shall:

129 | ~~(a) Develop, amend, implement, interpret and enforce Rules necessary to carry out the~~  
130 | ~~intent of this Law. The Rules developed by HRD pursuant to this Section are effective~~

131 upon HRD final approval. HRD shall provide notice of approval of said Rules to the  
132 Oneida Business Committee at the next available regularly scheduled Oneida Business  
133 Committee meeting following approval. If the Oneida Business Committee has any  
134 concerns and/or requested revisions upon review of the Rules, HRD shall work with the  
135 Oneida Business Committee to address such concerns and/or requested revisions.

136 (1) Unless the Oneida Business Committee repeals the Rules approved by HRD,  
137 the Rules remain in effect while HRD and the Oneida Business Committee jointly  
138 work to amend the Rules approved by HRD.

139 (A) Should the Oneida Business Committee repeal the Rules approved by  
140 HRD, the Rules that were in effect immediately previous to those repealed  
141 are automatically reinstated and effective immediately upon the repeal of  
142 the Rules approved by HRD.

143 (B) If HRD does not receive written notice from the Oneida Business  
144 Committee of intent to repeal or amend the Rules within thirty (30) days  
145 of the date the Oneida Business Committee is provided notice of the Rules  
146 approved by HRD, they will remain in effect as approved by HRD.

147 (2) Should the Oneida Business Committee pursue amendments to the Rules  
148 approved by the HRD, the amendments must be completed through one (1) of the  
149 following actions within six (6) months from the date the amendments are  
150 initiated by the Oneida Business Committee:

151 (A) if HRD and the Oneida Business Committee reach an agreement as to  
152 the content of the amendments, the HRD must approve the revised Rules  
153 that have been discussed with and agreed upon by the Oneida Business  
154 Committee; or

155 (B) if HRD and the Oneida Business Committee do not reach an  
156 agreement as to the content of the amendments, the Oneida Business  
157 Committee may adopt revised Rules that incorporate the amendments it  
158 deems necessary.

159 (3) If revised Rules are not approved or adopted by either HRD or the Oneida  
160 Business Committee respectively within six (6) months from the date the  
161 amendments are initiated by the Oneida Business Committee, the Rules originally  
162 approved by HRD will remain in effect.

163 (a) Develop and amend the rules necessary to carry out the intent of this Law pursuant to  
164 the Administrative Rulemaking Law.

165 (b) Implement, interpret and enforce this Law and the associated rules.

166 (b) Provide all ~~Employees~~employees a copy of all employment ~~Rules~~rules and all  
167 ~~Tribal of the Nation's~~ laws and policies specifically pertaining to  
168 ~~Employment~~employment matters, and shall further notify ~~Employees~~employees of how  
169 such ~~Rules~~rules, laws and policies may be electronically accessed.

170 (c) Review and approve all entities' employment related ~~Standard Operating Procedures~~  
171 ~~for all Entities.~~

172 ~~(d) Issue guidance opinions regarding the application of this Law, Rules promulgated~~  
173 ~~standard operating procedures to ensure compliance with this Law and the rules~~  
174 ~~developed~~ pursuant to this Law, ~~and Standard Operating Procedures created to implement~~  
175 ~~this Law and the Rules promulgated hereunder.~~

176 ~~(e)~~ Keep a record of all employment related decisions made by the ~~Employee~~  
177 ~~Supervisors, Reviewing Supervisors~~employee supervisors, reviewing supervisors and the  
178 Oneida Judiciary.

179 (f) Collect and maintain data on human resource related information including, but not  
180 limited to, information on hiring, appointments, firing, transfers, ~~Employee~~employee  
181 development, grievances, policy issues and insurances.

182 (1) HRD shall provide quarterly reports to the Oneida Business Committee, or its  
183 designee, in accordance with the schedule provided by the TribeNation's  
184 Secretary's office.

185 (2) The Oneida Business Committee may not have direct access to  
186 ~~Employee~~employee information and/or personnel files, especially information  
187 relating to individual compensation or ~~Corrective Actions~~corrective actions;  
188 provided that, Oneida Business Committee members that are also ~~Employee~~employee  
189 ~~Supervisors~~employee supervisors may access the ~~Employee~~employee records of  
190 any of his or her direct ~~Employees~~employees pursuant to Section 300.4-  
191 1(f)(3)(B).

192 (3) HRD shall store these ~~Employee~~employee records in a manner that maintains  
193 the records' private and confidential nature. Information contained in  
194 ~~Employee~~employee records may only be released in the following situations:

195 (A) A current or past ~~Employee~~employee may have access to his or her  
196 own employment record; an ~~Employee Supervisor~~employee supervisor  
197 may have access to his or her current ~~Employees'~~employees' records; a  
198 hiring supervisor may have access to the last twelve months of a current or  
199 former ~~Employee's~~employee's work history; and HRD managers may  
200 have access to any ~~Employee's~~employee's employment record.~~;~~

201 (B) If required by law, the TribeNation shall release the information  
202 required to be released to the party the law designates as entitled to receive  
203 said information.

204 (C) Should an Employee ~~commit~~be alleged to have committed an illegal  
205 act in the course of his or her employment with the TribeNation against  
206 the TribeNation, its customers or its ~~Employees~~employees, the said  
207 ~~Employee's~~employee's record may be released to law enforcement  
208 agencies.

209 (D) A third party may access an ~~Employee's~~employee's record if the  
210 ~~Employee~~employee provides written consent to release his or her record to  
211 a designated third party.

212 300.4-2. HRD shall uphold the Tribe'sNation's sovereignty, laws and policies in its hiring and  
213 employment practices.

214 300.4-3. Memorandum of Understanding. The Oneida Business Committee and HRD shall  
215 negotiate and enter into a memorandum of understanding which governs the relationship  
216 between the two parties by establishing the responsibilities and expectations of each party with  
217 regard to the management of HRD.

### 218 219 **300.5. Hiring**

220 300.5-1. Hiring Philosophy. The TribeNation shall recruit, hire, retain and develop individuals  
221 who are culturally respectful, professionally competent and ~~civically responsible~~familiar with the  
222 Oneida community.

223 300.5-2. Equal Employment Opportunities. The TribeNation and HRD shall afford all  
224 applicants and ~~Employees Equal Employment Opportunities~~employees equal employment  
225 opportunities; however, the TribeNation shall follow the preferences outlined in ~~Section~~Section 300.5-3  
226 and such preferences may not be considered a violation of this Law.

227 | 300.5-3. Oneida and Indian Preference. The ~~Tribe~~Nation shall ~~provide preference to Tribal~~  
228 | ~~Members first~~apply Oneida and ~~members of other federally recognized tribes secondly~~Indian  
229 | Preference to all hiring practices.

230 | (a) Unless otherwise prohibited by law or grant funding requirements, the ~~Tribe~~Nation  
231 | shall apply the following order of Oneida and Indian Preference in staffing decisions:

232 | (1) Persons who are ~~Tribal Members~~tribal members.

233 | (2) Persons who meet the blood quantum requirements contained in the  
234 | Membership Ordinance, but are not currently ~~Tribal Member~~tribal members,  
235 | and/or persons who are documented first generation descendants of a ~~Tribal~~  
236 | ~~Member~~tribal member.

237 | (3) Persons enrolled in any federally recognized tribe other than this ~~Tribe~~Nation.

238 | (4) All other non-Indian persons.

239 | (b) If a law or grant funding requirement prohibits the application of Oneida and Indian  
240 | Preference in accordance with 300.5-3(a), the ~~Tribe~~Nation shall make staffing decisions  
241 | in accordance with the Indian Preference requirements of the said law or grant.

242 | (c) Oneida and Indian Preference applies only when an applicant meets all the minimum  
243 | requirements of the position applied for.

244 | (d) Oneida-Only Positions. To the extent possible, all top administrative and political  
245 | appointee positions must be held by ~~Tribal Member~~tribal members.<sup>1</sup> If a position  
246 | requires specific skills and/or licensing by the state or federal government and there are  
247 | no available ~~Tribal Member~~tribal members who possess the necessary skills or licensing  
248 | to assume the vacancy, only then may a non-~~Tribal Member~~tribal member be selected to  
249 | fill the vacancy.

250 | 300.5-4. Education. Employees ~~under the age of fifty (50) who do not~~shall have ~~a high school~~  
251 | ~~diploma or its equivalent at the time of hire, shall~~ obtain a high school diploma, a high school  
252 | equivalency diploma or a general equivalency diploma within one (1) year of being hired.  
253 | ~~Employees that do not meet this deadline and have not been granted an extension from HRD~~  
254 | ~~may be separated from their employment with the Tribe.~~Exceptions and/or extensions to this  
255 | requirement may be included in the rules developed by HRD pursuant to 300.4-1(a).

256 | 300.5-5. Workplace Safety. The ~~Tribe~~Nation shall develop ~~Rules~~rules and procedures as  
257 | necessary to protect the safety, health and well-being of all ~~Employees~~employees and other  
258 | individuals in the workplace.

259 | (a) The Employee Health Nursing Department shall establish, maintain, implement,  
260 | evaluate and periodically update a Tuberculosis Control Program, which applies to all  
261 | ~~Employees~~employees as well as ~~the Nation's~~the Nation's elected and appointed officials ~~of the Tribe.~~  
262 | The Employee Health Nursing Department shall make the approved program available to  
263 | all persons to which it applies.

264 | 300.5-6. Conflicts. An applicant is ineligible for positions for which he or she has a conflict of  
265 | interest, as defined by the Conflict of Interest Policy, and/or if he or she would be directly  
266 | supervised by an ~~Immediate Family Member~~immediate family member.

267 | 300.5-7. Right to Work. No person may be required to do any of the following in order to  
268 | become or remain an ~~Employee~~employee of the ~~Tribe~~Nation:

- 269 | (a) resign or refrain from being a member of a labor organization;  
270 | (b) become or remain a member of a labor organization; or

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<sup>1</sup> 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.

271 (c) pay dues or other charges to a labor organization.  
272

273 **300.6. Compensation and Benefits**

274 300.6-1. Compensation Plan. HRD shall develop and institute an Employee Compensation  
275 Plan to assure equitable salary and wage levels and shall consider data from the Bureau of Labor  
276 Statistics for average earnings in the Green Bay area; the said plan must be approved by the  
277 Oneida Business Committee prior to becoming effective.

278 (a) Wage and salary adjustments and benefits available to ~~Employees~~employees are  
279 dependent upon available funding allocations, provided that, the Compensation Plan must  
280 require HRD to make reasonable efforts to regularly implement ~~Cost~~cost of ~~Living~~  
281 ~~Adjustments~~living adjustments based on the United States Department of Labor – Bureau  
282 of Labor Statistics’ Consumer Price Index for the Midwest Region.

283 300.6-2. Designation of Employees. The ~~Tribe~~Nation shall use the standards created under the  
284 Fair Labor Standards Act to designate its ~~Employees~~employees as either nonexempt or exempt  
285 and to set minimum wage and maximum hour restrictions for employees receiving an hourly  
286 wage.

287 300.6-3. Insurance and Retirement. The ~~Tribe~~Nation may provide insurances and/or a  
288 retirement plan as a benefit to full-time ~~Employees~~employees. Emergency and temporary  
289 Employees are not eligible for these benefits.

290 300.6-4. Time Off. The ~~Tribe~~Nation shall afford ~~Employees~~employees accumulated paid time  
291 off ~~to the extent that paid time off is accumulated~~ based on continuous service to the  
292 ~~Tribe~~Nation. HRD shall establish rates of accrual and the process for requesting paid time off in  
293 the Rules ~~it is charged with developing under Section~~created pursuant to 300.4-1(a).

294 300.6-5. Leaves. Employees of the ~~Tribe~~Nation may be allowed leave ~~under circumstances~~as  
295 provided in the Rules ~~developed under Section~~created pursuant to 300.4-1(a) and any other  
296 applicable ~~Tribal~~ laws and policies of the Nation.

297  
298 **300.7. General**

299 300.7-1. Employee Development. The ~~Tribe~~Nation encourages the advancement and transfer  
300 of Employees in order to make the best possible use of human resources. Employees who wish  
301 to advance in the organization may work with the ~~Human Resources Department~~HRD to develop  
302 a ~~personal development~~career ladders plan.

303 300.7-2. ~~Tribal~~ Entities. Individual ~~Entities~~entities shall comply with this Law and the  
304 ~~Rules~~rules promulgated under ~~Section~~ 300.4-1(a) and, if necessary, shall develop internal rules  
305 and ~~Standard Operating Procedures~~standard operating procedures for the implementation of ~~said~~  
306 ~~Rules~~this Law and its associated rules.

307 300.7-3. Safety and Fitness-for-Duty. In order to create a safe and healthy work environment  
308 for ~~Employees~~employees and to keep the number of job-related illnesses and/or injuries to a  
309 minimum, the ~~Tribe~~Nation shall maintain safety standards in accordance with the  
310 ~~Tribe’s~~Nation’s applicable laws and policies. The ~~Tribe~~Nation shall also maintain standards  
311 requiring ~~Employees~~employees to perform their job duties in a safe, secure, productive and  
312 effective manner.

313 300.7-4. Unemployment Insurance. The ~~Tribe~~Nation shall comply with the State of  
314 Wisconsin’s unemployment insurance program; ~~Employees of the~~ TribeNation’s employees may  
315 be eligible for unemployment benefits in accordance with the provisions of the laws of the State  
316 of Wisconsin.

318 **300.8. Employee Responsibilities**

319 300.8-1. Harassment and Discrimination Prohibited. All ~~Employees~~employees are expressly  
320 prohibited from committing ~~Sexual Harassment~~sexual harassment of another individual or  
321 engaging in any conduct that harasses or discriminates against another based on sex, race,  
322 religion, national origin, pregnancy, age, marital status, sexual orientation, or disability, provided  
323 that ~~Employees~~employees must comply with the Oneida ~~and Indian~~ Preferences identified in  
324 ~~Section~~ 300.5-3 and such compliance is not a violation of this provision.

325 300.8-2. Anonymous Information. Employees who receive anonymous information of any type  
326 shall maintain the confidentiality of the said information and forward a summary of the  
327 information to the Chief of the Oneida Police Department expressly noting that the information  
328 was provided anonymously.

329 300.8-3. Employee Protection. The ~~Tribe~~Nation may not retaliate against any  
330 ~~Employee~~employee who reports an ~~Employee's, Political Appointee's~~employee's, political  
331 appointee's and/or ~~Tribal official's~~any official of the Nation's violation(s) of ~~Tribal~~ laws,  
332 policies or rules of the Nation and shall protect any ~~Employees~~employees who report such  
333 violations from retaliatory actions.

334 (a) HRD shall develop ~~Rules and procedures~~rules designed to protect  
335 ~~Employees~~employees reporting others' violations of ~~Tribal~~the Nation's laws, policies or  
336 rules from any and all forms of retaliation.

337

338 **300.9. Layoffs and Furloughs**

339 300.9-1. Employees may be laid off and/or furloughed to the extent necessary for the  
340 ~~Tribe~~Nation to operate effectively and efficiently in varying economic conditions pursuant to the  
341 ~~Tribe's~~Nation's laws, policies and rules.

342 300.9-2. Layoffs and furloughs may not be used for disciplinary reasons and may not under any  
343 circumstances be considered adverse employment actions.

344 300.9-3. The ~~Tribe's~~Nation's decision to layoff and/or furlough an ~~Employee~~employee is not  
345 subject to appeal.

346

347 **300.10. Employee Discipline and Grievances**

348 300.10-1. Corrective ~~Action Rules and procedures~~action rules may be used by ~~Employee~~  
349 ~~Supervisors~~employee supervisors to correct ~~Employees'~~employees' unacceptable work  
350 performance and/or behavior.

351 300.10-2. Employees, excluding ~~At-Will Employees~~at-will employees, who disagree with a  
352 ~~Corrective Action~~corrective action or allege that a supervisor's actions amount to an ~~Adverse~~  
353 ~~Employment Action~~adverse employment action may contest the action using the ~~Rules and~~  
354 ~~procedures~~rules developed by HRD, and based on the following available levels of review:

355 (a) First Level of Review. Any ~~Employee~~employee, excluding ~~At-Will Employees~~at-  
356 will employees, contesting the validity of a ~~Suspensions~~suspension or  
357 ~~Termination~~termination or allege that a supervisor's actions amount to an ~~Adverse~~  
358 ~~Employment Action~~adverse employment action may contest the action to the  
359 Administrative Hearing Court. This is the final level of review unless it is alleged that  
360 the ~~Adverse Employment Action~~adverse employment action and/or ~~Corrective~~  
361 ~~Action~~corrective action also amounted to a deprivation of an ~~Equal Employment~~  
362 ~~Opportunity~~equal employment opportunity.

363 (b) Second Level of Review. An ~~Employee~~employee, excluding ~~At-Will Employees~~at-  
364 will employees, that is dissatisfied with the Administrative Hearing Court's decision  
365 regarding a supervisor's action that is alleged to amount to a deprivation of an ~~Equal~~

366 | ~~Employment Opportunity~~equal employment opportunity, may appeal the Administrative  
367 | Hearing Court’s decision to the Oneida Judiciary’s Appellate Court.

368 | (c) Compensatory Damages. Should the Oneida Judiciary determine that there was an  
369 | intentional deprivation of an ~~Equal Employment Opportunity~~equal employment  
370 | opportunity, the Oneida Judiciary may award compensatory damages, including, but not  
371 | limited to, attorney’s or advocate’s fees and court costs, as against the individual(s) found  
372 | to have engaged in the intentional deprivation of an ~~Equal Employment~~  
373 | ~~Opportunity~~equal employment opportunity. Said compensatory damages may not be  
374 | awarded against the ~~Tribe~~Nation.

375 | 300.10-3. The Administrative Hearing Court and the Oneida Judiciary may waive any and all  
376 | court fees on behalf of ~~Employees~~employees seeking to appeal a ~~Correction Action~~correction  
377 | action or an action alleged to be a deprivation of an ~~Equal Employment Opportunity~~equal  
378 | employment opportunity.

379 |  
380 | **300.11. Applicability to Elected Officials**

381 | 300.11-1. The provisions of ~~Sections~~sections 300.6-8 apply to ~~Elected Officials of the~~  
382 | ~~Tribe~~Nation’s elected officials that work full-time (30 hours or more per week) and receive  
383 | salaries for their service.

384 |  
385 | **300.12. Violations**

386 | 300.12-1. Unless expressly stated otherwise in this Law, claims of alleged violations of this Law  
387 | may be filed with the Oneida Judiciary.

388 |  
389 | End.  
390 |

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