



## MEMORANDUM

**TO:** Oneida Business Committee

**FROM:** Jo Anne House, Chief Counsel

**DATE:** April 24, 2017

**SUBJECT:** Opinion – Personnel Commission Report – Confidential Information

You have requested a legal opinion regarding a quarterly report submitted by the Personnel Commission. The Oneida Business Committee has identified that the report contains statements about personnel or personnel actions that should not be presented in open session. The report has been continuously rejected by the Oneida Business Committee and the Personnel Commission has identified that it will not change or redact the report in order for it to be accepted as a public document. You have requested advice regarding the actions that could be taken to have the report accepted.

Under the Open Records and Open Meetings law personnel actions are exempt from public meeting discussion. This is consistent with resolution # BC-08-14-91-A and the directive in the Personnel Policies and Procedures that employment related information is confidential. As a result, it is appropriate that the Oneida Business Committee not accept a report containing restricted information.

There are three basic options available to the Oneida Business Committee.

- ***Continue to reject the report.***  
You have identified that this option is not acceptable on a long term basis.
- ***Place the entire report in Executive Session.***  
Although this will resolve the issue regarding confidential information, most of the report can be presented in open session. This is likely to be in violation of the Open Records and Open Meetings law.
- **Redact that portion of the report and place report in Open Session.**  
The Oneida Business Committee is the ‘owner’ of documents placed on its agenda. As a result, it would be my opinion that you could simply black-out that portion of the report and place a footnote on the document indicating “This portion of the report has been redacted as it contains confidential/personnel related information.” The suggested approval action would be “Motion to accept the Personnel Commission \_\_\_ Quarter report and to direct that the report be placed in the record as redacted.”

If you have further questions, please contact me.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

2. General Information:

Session: [X] Open [ ] Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Reports

[ ] Accept as Information only

[ ] Action - please describe:

Acceptance of 1st Quarter Report for the Oneida Personnel Commission
October 2016-December 2016

3. Supporting Materials

[X] Report [ ] Resolution [ ] Contract

[ ] Other:

1. minutes

3. [Empty text box]

2. R & E's

4. [Empty text box]

[ ] Business Committee signature required

4. Budget Information

[ ] Budgeted - Tribal Contribution

[ ] Budgeted - Grant Funded

[ ] Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David Jordan, Council Member

Primary Requestor/Submitter: Yvonne Jourdan, Chairwoman, Oneida Personnel Commission
Your Name, Title / Dept. or Tribal Member

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

# HANDOUT FOR ITEM - IV.A.06.a.

ONEIDA PERSONNEL COMMISSION  
FY 2017- Quarterly Report First Quarter  
October, November and December 2016  
Submitted by: Yvonne Jourdan

## NAMES

Officers: Yvonne Jourdan, Chairperson  
Gary Smith, Vice-Chairperson  
Sharon Alvarez, Treasurer  
Tomas Escamea, Secretary

Members: Bradley Graham  
Richard Elm-Hill  
Jennifer Hill  
Leland Wigg-Ninham  
Eric Krawczyk  
Pearl Webster  
Carol Smith

## MINUTES

All approved minutes have been submitted to the Office of the Tribal Secretary.

October 18, 2016	Regular Meeting	(Approved)
November 15, 2016	Regular Meeting	(Approved)
November 16, 2016	Emergency Meeting	(Approved)
December 20, 2016	Regular Meeting	(Not Approved)

## FINANCIAL

See attached R&E statements for the months of October, November and December 2016.

## SPECIAL EVENTS AND TRAVEL

No out-of-state travel/training occurred during this quarter.

## LOCAL TRAINING

Training for the first quarter of this fiscal year included standard initial reviews, grievance hearings, and grievance decisions training which took place in October, November and December.

## ACTIVITY REPORT-Oneida Personnel Commission

Activity	October	November	December	Totals
Pre-Screens	26	14	17	57
Interviews	20	18	18	56
Reassignments	9	10	9	28
Initial Reviews	2	2	3	7
Grievances	2	2	1	5
Deliberations	4	0	2	6

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Decision Writing	2	1	2	5
Motion Decisions	1	0	1	2
Regular Meetings	1	1	1	3
Special Meetings	0	1	0	1
Training*	6	2	2	10
Non-Gaming Employees with an advocate	1	0	1	2
Non-Gaming Employees without an advocate	0	1	1	2
Gaming Employees with an advocate	1	0	0	1
Gaming Employees without an advocate	0	1	0	1
Non-Gaming Management with an advocate	0	0	0	0
Non-Gaming Management without an advocate	1	1	2	4
Gaming Management with an advocate	1	1	0	2
Gaming Management without an advocate	0	0	0	0

- The numbers within the Reassignment boxes, are the numbers of employees that were reassigned into different positions for that specific month.

Training could mean attending out-of-state, local training, or in-house training. New commissioners are mentored by existing commissioners during Initial Reviews, Grievance Hearings, Decision Writing, Hearing Officer Responsibilities, and Motion Decisions. This type of involvement is also considered training.

### **PERSONAL COMMENTS - Yvonne Jourdan, Chairperson - OPC**

This Commission has continued to review the proposed Employment Law (draft #21), that is currently at the Legislative Operating Committee (LOC). We have taken the position that this new Law is not favorable to the employment base. Although there have been numerous changes to each draft, one of the issues that this Commission has is that the main area that contributed to the drafts of this proposed law has been the Human Resource Department.(HRD) The proposed law allows HRD to make changes to a proposed law that ultimately affects HRD and provides enormous latitude in the hiring process with absolutely no checks or balances. As a Commission that has been created by General Tribal Council, this is a serious concern. On December 8, 2016, this Commission received notice from Geraldine Danforth, HRD Area Manager, and Marianne Close, Compensation and Employment Director that they will now be reporting in their

quarterly reports, Personnel Commission attendance, late/tardy, failed to show, didn't notify HR and didn't find a replacement. This Commission will be reporting to General Tribal Council, the same with regard to overbooking Commissioners, not calling Commissioners, failure to ensure interview and pre-screening is in compliance with the Oneida Tribes Blue Book, unusual or deviation from the hiring process without justification. Concerns, on November 9, 2016, two new Commissioners were scheduled for interview certification, the place of training was changed without any notice to the Commissioners, forcing those two Commissioners to wait an additional 3 months to receive this training. Additionally on November 3, 2016, an HRD specialist over booked a Commissioner for interviews and provided him with the wrong dates for interviews, thus causing an extra stipend to be paid for those interviews. On December 22, 2016, there was a second prescreening for a position where prescreening was originally conducted on December 16, 2016. The HRD specialist had prescreened on her own, prior to informing the assigned OPC Commissioner, and scheduled interviews with the potential candidates prior to having the Commissioner prescreen the position for a second time. This is unusual due to the fact that prescreening applicants does not occur minutes prior to the interviews. No justification or rationale has been provided as to why this was initiated by HRD.

We have taken the position that we would inform General Tribal Council (G.T.C) of the Commission's perspective and bring awareness to both G.T.C. and the employment base, we are doing this through our articles placed in our Tribal newspaper. This Commission has requested verbally that once the Oneida Business Committee establishes a date for General Tribal Council to meet and decide whether or not they support this Law, we would like to present our perspectives, issues and concerns regarding the proposed Employment Law.



The Commission continues to review current policies that have been approved and passed by the Oneida Business Committee (OBC) along with the Human Resource Department,(HRD) with the expectation that there can be improvements and discussion with both the OBC and HRD. The Personnel Commission continues to review the by-laws, SOP's, and the training manual for accuracy and relevance to the laws and policies of the Oneida Tribe. We have completed work on updating the qualifications for future Commissioners, which will be reflected in our By-Laws, and are currently pending at the LOC. In the future Quarterly reports, starting with the first Quarter of FY 2017, this Commission will report inconsistencies in the application of policies and procedures regarding hiring practices within HRD, this will include grievance matters that have come before this Commission.

**GOALS AND OBJECTIVES – FY2017**

1. Personnel Commission By-Laws	REVISIONS
2. Training Manual	IN PROGRESS
3. Updating Qualifications for Commissioners	REVISIONS PENDING AT LOC
3. Interdepartmental Relationships	NEEDS IMPROVEMENT
4. Updating Personnel Commission SOP's	IN PROGRESS

## **OBJECTIVE STATEMENT – FY 2017**

1. Optimize organizational efficiency and effectiveness
2. Learning and growth perspective
3. Owner/customer/stakeholder perspective

## **MEETING REQUIREMENTS**

*Oneida Personnel Commission By-Laws, Article III. Meetings.*

3-1 *Regular Meetings.* The OPC officers shall establish a schedule of regular meetings for the upcoming year beginning in November. Notice of meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Administrator. Robert's Rules of Order shall be used as a guideline for conducting meetings.

3-2 *Special Meetings.* Special meetings shall be called not less than three (3) days prior to the date of the special meeting.

3-3. *Emergency meetings.* Emergency meetings shall be scheduled as needed and provide details of the emergency.

3-4 *Legislative Sessions.* When considering revisions or suggestions to the OPC regarding the labor laws of the Tribe, a Legislative Session may be scheduled to devote a focused exclusive convened working meeting of the OPC to specifically address amendment or revision of existing or proposed labor laws of the Tribe. An internal OPC SOP may be drafted governing the procedures to be followed in implementing such Legislative Session.

3-5 *Quorum.* A quorum shall consist of a majority of the OPC members. In the absence of the Chairperson and the Vice-Chairperson, the members present at the meeting shall elect a Chairperson *Pro Tem* to preside over the meeting.

## **FOLLOW-UP**

- Meeting with the Personnel Commission's alternate Liaison, David Jordan, Tribal Councilman, regarding issues and concerns of the Commission.

# HANDOUT FOR ITEM - IV.A.06.a.

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

October 18, 2016 – NOON  
East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary: Rochelle A. Powless (NOT PRESENT)

- A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:00p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Eric Krawczyk	Member
Jennifer Hill	Member
Leland Wigg-Ninham	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	Attorney
David Jordan	OBC Liaison

**EXCUSED:**

Rochelle A. Powless	Secretary
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**MOTION:** Bradley Graham motioned to approve the attendance excusing Rochelle

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Bradley Graham motioned to approve the agenda with changes:

**New Business** – Delete F.1.b

**SECOND:** Pearl Webster seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- C. Review\Approval of Minutes: September 20, 2016, OPC Regular Meeting  
(Rochelle Powless 10 minutes)

**MOTION:** Bradley Graham motioned to approve the September 20, 2016, OPC Regular Meeting Minutes, with corrections.

**SECOND:** Sharon Alvarez seconded the motion.

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION REGULAR MEETING

October 18, 2016 – NOON

East Wing Conference Room

#### MOTION CARRIED UNANIMOUSLY

#### D. Tabled Business (none)

#### E. Old Business (4)

1. Draft article for the Kahliwisaks (entire commission 10 minutes)  
FYI, update was given, Commissioner were sent email correspondence regarding this issue, deadline for response is October 25, 2016
2. **Internal Audit Request-UPDATE**  
**No Update**
3. **Employment Law Draft 21-UPDATE**  
No Update, draft was distributed
4. **Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)\*Carol Smith recused herself from discussion\*\*\***

MOTION: Bradley Graham moved to go into executive session

SECOND: Pearl Webster

TIME: 12:48PM

MOTION CARRIED UNANIMOUSLY

MOTION: Eric Krawczyk moved to come out of executive session

SECOND: Gary Smith

TIME: 1:16PM

MOTION CARRIED UNANIMOUSLY

MOTION: Gary Smith moved to submit a letter to the Pro-Tem Commission assigned to this case and request documents, testimony, evidence as protected information.

SECOND: Leland Wigg-Ninham

OPPOSED: Bradley Graham

MOTION CARRIED

#### F. New Business(4)

1. **Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)**

MOTION: Bradley Graham motioned to go into executive session

SECOND: Pearl Webster Time: 1:23PM

MOTION CARRIED UNANIMOUSLY

MOTION: Eric Krawczyk motioned to come out of executive session

SECOND: Tomas Escamea Time: 1:30PM

MOTION CARRIED UNANIMOUSLY

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION REGULAR MEETING

October 18, 2016 – NOON  
East Wing Conference Room

#### **a. Resignation of Rochelle Powless**

**MOTION:** Eric Krawczyk moved to accept the resignation of Rochelle Powless.

**SECOND:** Carol Smith

**MOTION CARRIED**

**MOTION:** Bradley Graham moved to send notice to the Oneida Business Committee to post this vacancy

**SECOND:** Pearl Webster

**MOTION CARRIED UNANIMOUSLY**

#### **b. Request from Leland Wigg-Ninham to waive training**

DELETED FROM AGENDA

#### **c. 3<sup>rd</sup> Quarterly Report-status**

**MOTION:** Bradley Graham moved to post both the Quarterly report, 2<sup>nd</sup> and 3<sup>rd</sup> quarter, in the Kahliwisaks to apprise General Tribal Council of the reports.

**SECOND:** Pearl Webster

**ABSTAIN:** Carol Smith

**MOTION CARRIED**

### **2. Financial Report August 2016**

**MOTION:** Gary Smith motioned to approve

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

### **3. Activity Report August 2016**

**MOTION:** Gary Smith motions to approve

**SECOND:** Carol Smith

**MOTION CARRIED UNANIMOUSLY**

### **4. By-Laws**

**MOTION:** Tomas Escamea moved to approve and send to the LOC

**SECOND:** Sharon Alvarez

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Gary Smith moved to adjourn

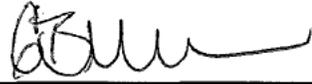
**SECOND:** Carol Smith

**MOTION CARRIED UNANIMOUSLY**

HANDOUT FOR ITEM - IV.A.06.a.

ONEIDA PERSONNEL COMMISSION REGULAR MEETING

October 18, 2016 – NOON  
East Wing Conference Room

A handwritten signature in black ink, appearing to be 'Gina Buenrostro', is written above a horizontal line.

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**Minutes taken for the secretary by Gina Buenrostro**

# HANDOUT FOR ITEM - IV.A.06.a.

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

November 15, 2016 – NOON

East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary:

- A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:02p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Jennifer Hill	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	Attorney
David Jordan	OBC Liaison

**EXCUSED:**

Eric Krawczyk	Member
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**UNEXCUSED:**

Leland Wigg-Ninham Member

**MOTION:** Bradley Graham motioned to approve the attendance excusing Eric Krawczyk and unexcusing Leland Wigg-Ninham.

**SECOND:** Tomas Escamea seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Bradley Graham motioned to approve the agenda with changes:

**New Business** – F.1.h. (schedule special or emergency meeting) and Old Business, 4, will move to the end of the agenda.

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- C. Review\Approval of Minutes: **October 18, 2016, OPC Regular Meeting**  
(Gina Buenrostro, 10 minutes)

**MOTION:** Gary Smith motioned to approve the October 18, 2016, OPC Regular

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION REGULAR MEETING

November 15, 2016 – NOON

East Wing Conference Room

Meeting Minutes.

**SECOND:** Gary Smithy seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

#### **D. Tabled Business (none)**

#### **E. Old Business (4)**

**1. Draft article for the Kahliwisaks (entire commission 10 minutes)**

No update

**2. Internal Audit Request-UPDATE**

No Update

**3. Employment Law Draft 21-UPDATE**

FYI only. Will schedule special meeting to address this issue

**4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)\*Carol Smith recused herself from discussion, this issue will move to the end of the agenda\***

#### **F. New Business(4)**

**1. Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)**

**MOTION:** Sharon Alvarez moved to go into executive session

**SECOND:** Pearl Webster

**TIME:** 12:25PM

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Bradley Graham moved to come out of executive session

**SECOND:** Carol Smith

**TIME:** 12:30PM

**a. 3<sup>rd</sup> quarterly Report Status**

FYI

**b. Status of Attorney Sweeney Contract**

**MOTION:** Bradley Graham moved to move this issue to the top of the Oneida Business Committee at the November 23, 2016 meeting, do not want liaison to do an E-Poll, all commissioners must attend this meeting.

**SECOND:** Pearl Webster

**MOTION CARRIED UNANIMOUSLY**

**c. Status of Vacancies**

FYI

**d. Appoint Secretary**

**MOTION:** Gary Smith moved to appoint Tomas Escamea as the Secretary.

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION REGULAR MEETING

November 15, 2016 – NOON

East Wing Conference Room

SECOND: Carol Smith  
MOTION CARRIED UNANIMOUSLY

#### **e. Room (space) for Petitioners and Respondents**

FYI

#### **f. By-Laws (status)**

MOTION: Pearl Webster moved to deny the request from Leland Wigg-Ninham to increase the amount of stipends.

SECOND: Gary Smith  
MOTION CARRIED UNANIMOUSLY

#### **g. Stipends**

FYI

#### **h. Schedule Special Meeting**

MOTION: Pearl Webster moved to schedule special meeting to November 16, 2016 to finalize the Annual Report.

SECOND: Sharon Alvarez  
MOTION CARRIED UNANIMOUSLY

### **2. Financial Report October 2016**

**MOTION:** Gary Smith motioned to approve.

**SECOND:** Carol Smith  
**MOTION CARRIED UNANIMOUSLY**

### **3. Activity Report October 2016**

**MOTION:** Gary Smith motions to approve.

**SECOND:** Tomas Escamea  
**MOTION CARRIED UNANIMOUSLY**

**Old Business. 4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)\*Carol Smith recused herself from discussion, this issue will move to the end of the agenda\***

**MOTION:** Pearl Webster moved to go into executive session.

**SECOND:** Sharon Alvarez  
**MOTION CARRIED UNANIMOUSLY**

**TIME: 1:16pm**

**MOTION:** Bradley Graham to come out of executive session.

**SECOND:** Carol Smith  
**TIME: 2:06pm**  
**MOTION CARRIED UNANIMOUSLY**

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION REGULAR MEETING

November 15, 2016 – NOON

East Wing Conference Room

MOTION: Bradley Graham moved to have the Chair send a letter to Chairwoman, Cristina Danforth requesting the status of the complaint, and to have Attorney Sweeney file a motion to consolidate cases regarding this matter with the Oneida Judiciary and also file a motion for a declaratory ruling.

SECOND: Pearl Webster

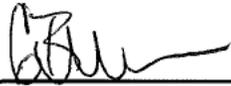
MOTION CARRIED UNANIMOUSLY

MOTION: Bradley moved to adjourn.

SECOND: Sharon Alvarez

MOTION CARRIED UNANIMOUSLY

TIME: 2:09pm



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**Minutes taken for the secretary by Gina Buenrostro**

# HANDOUT FOR ITEM - IV.A.06.a.

## ONEIDA PERSONNEL COMMISSION SPECIAL/EMERGENCY MEETING

November 16, 2016 – NOON

East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary:

- A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:02p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Jennifer Hill	Member
Eric Krawczyk	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	Attorney

**EXCUSED:**

Jennifer Hill	Member
Leland Wigg-Ninham	Member

**UNEXCUSED:**

Leland Wigg-Ninham Member

**MOTION:** Sharon Alvarez motioned to approve the attendance.

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Eric Krawczyk motioned to approve the agenda with changes.

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- C. **Review\Approval of Minutes:** None

D. **Tabled Business:** None

E. **Old Business:** None

- F. **New Business:** (3)

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION SPECIAL/EMERGENCY MEETING

November 16, 2016 – NOON

East Wing Conference Room

#### 1. **Oneida Personnel Commission Annual Report 2017.**

**MOTION:** Gary Smith moved to approve the report with the suggested changes.

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**

#### 2. Meeting with the LOC regarding changes to the Administrative Court Rules

**MOTION:** Sharon Alvarez moved to approve the date of November 29, 2016, from 1:00 pm to 3:00 pm.

**SECOND:** Gary Smith

#### 3. Sign off Authority

**MOTION:** Bradley Graham moved to change the sign off authority of the Chair, to Division Director status, which is 50,000 budgeted, and 10,000 unbudgeted.

**SECOND:** Gary Smith

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Eric Krawczyk moved to adjourn.

**SECOND:** Tomas Escamea

**MOTION CARRIED UNANIMOUSLY**

**TIME:** 1:05pm



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**Minutes taken for the secretary by Gina Buenrostro**

# HANDOUT FOR ITEM - IV.A.06.a.

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

December 20, 2016 – NOON

East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary:

- A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:02p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Jennifer Hill	Member
Eric Krawczyk	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	OPC Attorney
David Jordan	OBC Liaison

**EXCUSED:**

Leland Wigg-Niham            Member

**MOTION:** Bradley Graham motioned to approve the attendance excusing Leland Wigg-Ninham.

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Bradley Graham motioned to approve the agenda with changes:  
**New Business** – F.l.e. Reassignment Checklist Form and F.l.f RFP for Attorney.

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION REGULAR MEETING

December 20, 2016 – NOON

East Wing Conference Room

#### C. Review\Approval of Minutes: November 15, 2016, OPC Regular Meeting

**MOTION:** Eric Krawczyk motioned to approve the November 15, 2016, OPC Regular Meeting Minutes.

**SECOND:** Brady Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

#### Review\Approval of Minutes: November 16, 2016 OPC Special Meeting

**MOTION:** Pearl Webster motioned to approve the November 16, 2016, OPC Special Meeting Minutes.

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

#### D. Tabled Business (none)

#### E. Old Business (4)

**1. Draft article for the Kahliwisaks**

No update

**2. Internal Audit Request-UPDATE**

No Update

**3. Employment Law Draft 21-UPDATE**

FYI - Will schedule special meeting to address this issue

**4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update**

**MOTION:** Brady Graham moved to go into executive session

**SECOND:** Pearl Webster

**TIME:** 12:25PM

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Sharon Alvarez moved to come out of executive session

**SECOND:** Eric Krawczyk

**TIME:** 12:30PM

\*Carol Smith recused herself from discussion\*

#### F. New Business(3)

**1. Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)**

**MOTION:** Sharon Alvarez moved to go into executive session

**SECOND:** Brady Graham

**TIME:** 12:25PM

**MOTION CARRIED UNANIMOUSLY**

## HANDOUT FOR ITEM - IV.A.06.a.

### ONEIDA PERSONNEL COMMISSION REGULAR MEETING

December 20, 2016 – NOON

East Wing Conference Room

**MOTION:** Gary Smith moved to come out of executive session

**SECOND:** Brady Graham

**TIME:** 12:30PM

**a. 4<sup>th</sup> quarterly Report Status**

**MOTION:** Carol Smith moved to approve quarterly report.

**SECOND:** Gary Smith

**MOTION CARRIED UNANIMOUSLY**

**b. Decision Writing**

FYI

**c. Hearing Process and Behavior**

FYI

**d. Letter from HRD**

FYI

**e. Reassignment Checklist Form**

**MOTION:** Pearl Webster approved the revision of the reassignment  
Checklist Form

**SECOND:** Gary Smith

**MOTION CARRIED UNANIMOUSLY**

**f. RFP for OPC Attorney**

FYI

**2. Financial Report November 2016**

**MOTION:** Gary Smith approved the report

**SECOND:** Carol Smith

**MOTION CARRIED UNANIMOUSLY**

**3. Activity Report November 2016**

**MOTION:** Gary Smith approved the report

**SECOND:** Tomas Escamea

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Eric Krawczyk moved to adjourn.

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**

**TIME:** 1:55pm

**Minutes taken for the secretary by Tomas Escamea**

REPORT NAME: PRG\_REVEXP

4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 10/31/2016

CLASS DESCRIPTION	PRT-ACCNT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
REVENUE							
TRIBAL CONTRIBUTION	000-458100-000	19,559.17	27,677.00	8,118	19,559	27,677	8,118
TOTAL REVENUE		19,559.17	27,677.00	(8,118)	19,559	27,677	(8,118)
EXPENSES (LABOR/PAYROLL)							
PERSONNEL	000-502100-000	7,667.64	7,609.00	(59)	7,668	7,609	(59)
WAGE ACCRUAL EXPENSE	000-502100-999	(1,404.28)		1,404	(1,404)		1,404
SALARIES - TRAINING	000-502110-000	27.73		(28)	28		(28)
PAID TIME OFF	000-504000-000	1,452.64		(1,453)	1,453		(1,453)
FRINGE BENEFIT	000-505000-000	3,707.00	3,146.00	(561)	3,707	3,146	(561)
FRINGE ACCRUAL EXPENSE	000-505000-999	(585.22)		585	(585)		585
TOTAL LABOR/PAYROLL EXP.		10,865.51	10,755.00	(112)	10,867	10,755	(112)
EXPENSES (PURCHASES)							
TOTAL PURCHASES							
EXPENSES (EXTERNAL & INTERNAL)							
SUPPLIES & MATERIALS	000-700001-000	107.53	30.00	(78)	108	30	(78)
COPY CHARGES	000-700010-000		36.00	36		36	36
TRANSP. & PER DIEM	000-701000-000		163.00	163		163	163
OUTSIDE SERVICES	000-702010-000	(23.25)	67.00	90	(23)	67	90
LEGAL SERVICES	000-702400-000		3,500.00	3,500		3,500	3,500
TRAINING & EDUCATION	000-705010-000		163.00	163		163	163
RENTAL USAGE	000-705202-000	128.59	94.00	(35)	129	94	(35)
HEAT & LIGHTS	000-705211-000	229.70	375.00	145	230	375	145
WATER & SEWER	000-705212-000		5.00	5		5	5
TELEPHONE	000-705213-000	37.78	34.00	(4)	38	34	(4)
BUSINESS EXPENSE	000-705300-000		13.00	13		13	13
INSURANCE	000-705500-000	47.36	55.00	8	47	55	8
I/T SUPPLIES & MATERIALS	000-750001-000		12.00	12		12	12
I/T - PRINTING	000-750009-000		12.00	12		12	12
I/T RENT EXPENSE	000-755201-000		288.00	288		288	288
I/T UTILITIES EXPENSE	000-755210-000	.08					
I/T DEPRECIATION ALLOCATION	000-755216-000	286.87		(287)	287		(287)
INDIRECT COSTS	000-758300-000	1,500.25	1,204.00	(296)	1,500	1,204	(296)
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	(221.25)		221	(221)		221

273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/TIME: 11/14/2016 15:20:58 ONEIDA TRIBE OF INDIANS OF WISCONSIN

HANDOUT FOR ITEM IV.A.06.a.  
 CBRONE01  
 01OCT/2017

REPORT NAME: PRG\_REVEXP

4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 10/31/2016

CLASS DESCRIPTION	PRT-ACCT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
STIPENDS	100-705305-000	2,500.00	6,731.00	4,231	2,500	6,731	4,231
STIPENDS	400-705305-000	500.00	688.00	188	500	688	188
STIPENDS	500-705305-000	2,900.00	2,902.00	2	2,900	2,902	2
STIPENDS	600-705305-000	700.00	550.00	(150)	700	550	(150)
TOTAL EXT./INT. EXPENSES		8,693.66	16,922.00	8,227	8,695	16,922	8,227
TOTAL EXPENSES		19,559.17	27,677.00	8,115	19,562	27,677	8,115
NET TOTALS					(3)		(3)

REPORT NAME: PRG\_REVEXP

4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 11/30/2016

CLASS DESCRIPTION	PRT-ACCNT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
REVENUE							
TRIBAL CONTRIBUTION	000-458100-000	21,765.22	-27,678.00	5,913	41,324	55,355	14,031
TOTAL REVENUE		21,765.22	27,678.00	(5,913)	41,324	55,355	(14,031)
EXPENSES (LABOR/PAYROLL)							
PERSONNEL	000-502100-000	5,810.39	7,606.00	1,796	13,478	15,215	1,737
WAGE ACCRUAL EXPENSE	000-502100-999	728.60		(729)	(676)		676
SALARIES - TRAINING	000-502110-000				28		(28)
PAID TIME OFF	000-504000-000	1,508.02		(1,508)	2,961		(2,961)
FRINGE BENEFIT	000-505000-000	2,965.61	3,141.00	175	6,673	6,287	(386)
FRINGE ACCRUAL EXPENSE	000-505000-999	296.14		(296)	(289)		289
TOTAL LABOR/PAYROLL EXP.		11,308.76	10,747.00	(562)	22,175	21,502	(673)
EXPENSES (PURCHASES)							
TOTAL PURCHASES							
EXPENSES (EXTERNAL & INTERNAL)							
SUPPLIES & MATERIALS	000-700001-000	416.22	30.00	(386)	524	60	(464)
COPY CHARGES	000-700010-000		34.00	34		70	70
TRANSP. & PER DIEM	000-701000-000		167.00	167		330	330
OUTSIDE SERVICES	000-702010-000	12.71	63.00	50	(11)	130	141
LEGAL SERVICES	000-702400-000		3,500.00	3,500		7,000	7,000
TRAINING & EDUCATION	000-705010-000		167.00	167		330	330
RENTAL USAGE	000-705202-000	128.59	96.00	(33)	257	190	(67)
HEAT & LIGHTS	000-705211-000	243.84	375.00	131	474	750	276
WATER & SEWER	000-705212-000	18.11	5.00	(13)	18	10	(8)
TELEPHONE	000-705213-000	32.99	36.00	3	71	70	(1)
BUSINESS EXPENSE	000-705300-000		17.00	17		30	30
INSURANCE	000-705500-000	47.36	55.00	8	95	110	15
I/T SUPPLIES & MATERIALS	000-750001-000		8.00	8		20	20
I/T - PRINTING	000-750009-000		8.00	8		20	20
I/T RENT EXPENSE	000-755201-000		292.00	292		580	580
I/T UTILITIES EXPENSE	000-755210-000	.08					
I/T DEPRECIATION ALLOCATION	000-755216-000	286.87		(287)	574		(574)
INDIRECT COSTS	000-758300-000	1,200.20	1,209.00	9	2,700	2,413	(287)
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	119.49		(119)	(102)		102

REPORT NAME: PRG\_REVEXP

4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 11/30/2016

CLASS DESCRIPTION	PRT-ACCNT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
STIPENDS	100-705305-000	3,250.00	6,729.00	3,479	5,750	13,460	7,710
STIPENDS	200-705305-000	350.00		(350)	350		(350)
STIPENDS	400-705305-000	400.00	692.00	292	900	1,380	480
STIPENDS	500-705305-000	3,700.00	2,898.00	(802)	6,600	5,800	(800)
STIPENDS	600-705305-000	250.00	550.00	300	950	1,100	150
TOTAL EXT./INT. EXPENSES		10,456.46	16,931.00	6,475	19,150	33,853	14,703
TOTAL EXPENSES		21,765.22	27,678.00	5,913	41,325	55,355	14,030
NET TOTALS					(1)		(1)

REPORT NAME: PRG\_REVEXP

4273007 - PERSONNEL BOARD  
REVENUE AND EXPENSE SUMMARY  
FOR THE PERIOD ENDING: 12/31/2016

CLASS DESCRIPTION	PRT-ACCNT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
REVENUE							
TRIBAL CONTRIBUTION	000-458100-000	19,515.42	27,678.00	8,163	60,840	83,033	22,193
TOTAL REVENUE		19,515.42	27,678.00	(8,163)	60,840	83,033	(22,193)
EXPENSES (LABOR/PAYROLL)							
PERSONNEL	000-502100-000	6,813.89	7,606.00	792	20,292	22,821	2,529
WAGE ACCRUAL EXPENSE	000-502100-999	(1,097.35)		1,097	(1,773)		1,773
SALARIES - TRAINING	000-502110-000				28		(28)
PAID TIME OFF	000-504000-000	2,378.48		(2,378)	5,339		(5,339)
FRINGE BENEFIT	000-505000-000	3,712.35	3,141.00	(571)	10,385	9,428	(957)
FRINGE ACCRUAL EXPENSE	000-505000-999	(444.80)		445	(734)		734
TOTAL LABOR/PAYROLL EXP.		11,362.57	10,747.00	(615)	33,537	32,249	(1,288)
EXPENSES (PURCHASES)							
TOTAL PURCHASES							
EXPENSES (EXTERNAL & INTERNAL)							
SUPPLIES & MATERIALS	000-700001-000		30.00	30	524	90	(434)
COPY CHARGES	000-700010-000	277.18	34.00	(243)	277	104	(173)
TRANSP. & PER DIEM	000-701000-000		167.00	167		497	497
OUTSIDE SERVICES	000-702010-000		63.00	63	(11)	193	204
LEGAL SERVICES	000-702400-000		3,500.00	3,500		10,500	10,500
TRAINING & EDUCATION	000-705010-000		167.00	167		497	497
RENTAL USAGE	000-705202-000	128.59	96.00	(33)	386	286	(100)
HEAT & LIGHTS	000-705211-000	88.16	375.00	287	562	1,125	563
WATER & SEWER	000-705212-000	9.07	5.00	(4)	27	15	(12)
TELEPHONE	000-705213-000	37.97	36.00	(2)	109	106	(3)
BUSINESS EXPENSE	000-705300-000		17.00	17		47	47
INSURANCE	000-705500-000	47.36	55.00	8	142	165	23
I/T SUPPLIES & MATERIALS	000-750001-000		8.00	8		28	28
I/T - PRINTING	000-750009-000		8.00	8		28	28
I/T RENT EXPENSE	000-755201-000		292.00	292		872	872
I/T UTILITIES EXPENSE	000-755210-000	.09					
I/T DEPRECIATION ALLOCATION	000-755216-000	286.87		(287)	861		(861)
INDIRECT COSTS	000-758300-000	1,507.53	1,209.00	(299)	4,208	3,622	(586)
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	(179.97)		180	(282)		282

REPORT NAME: PRG\_REVEXP

4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 12/31/2016

CLASS DESCRIPTION	PRT-ACCNT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
STIPENDS	100-705305-000	2,750.00	6,729.00	3,979	8,500	20,189	11,689
STIPENDS	200-705305-000				350		(350)
STIPENDS	400-705305-000	450.00	692.00	242	1,350	2,072	722
STIPENDS	500-705305-000	2,650.00	2,898.00	248	9,250	8,698	(552)
STIPENDS	600-705305-000	100.00	550.00	450	1,050	1,650	600
TOTAL EXT./INT. EXPENSES		8,152.85	16,931.00	8,778	27,303	50,784	23,481
TOTAL EXPENSES		19,515.42	27,678.00	8,163	60,840	83,033	22,193
NET TOTALS							