

ONEIDA PERSONNEL COMMISSION BY-LAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Personnel Commission, and may be referred to as the OPC.
- 1-2. *Establishment.* The OPC was created by the Oneida General Tribal Council as the Personnel Selection Committee and renamed the Oneida Personnel Commission by the Oneida Business Committee through resolution BC-04-13-90-A. The Oneida Business Committee dissolved the Oneida Personnel Commission on April 11, 2018 through resolution BC-04-11-18-A. On August 27, 2018, the Oneida General Tribal Council rescinded the dissolution of the Oneida Personnel Commission and the OPC was recreated by the Oneida Business Committee through resolution BC-09-26-18-F.
- 1-3. *Authority.*
- (a) The OPC was created by the Oneida General Tribal Council to represent the Oneida community-at-large in the selection of the Nation's employees and to shield those employees from inconsistent and unfair treatment by:
 - (1) Protecting against issues of nepotism;
 - (2) Enforcing Oneida and Indian preference;
 - (3) Hearing and deciding appeals of disciplinary action filed by employees of the Nation; and
 - (4) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Oneida Personnel Policies and Procedures.
 - (b) The OPC does not have authority to:
 - (1) Enter into contracts;
 - (2) Create policy or legislative rules; or
 - (3) Evaluate or rate a candidate on criteria qualifications unrelated to the following subject matter during candidate interviews:
 - (A) Oneida/Indian preference;
 - (B) Nepotism;
 - (C) Conflicts of interest;
 - (D) Veteran status; and
 - (E) Physical capacity requirements.
- 1-4. *Office.* The official mailing address of the OPC shall be:
Oneida Personnel Commission
P.O. Box 365
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The OPC shall be made up of five (5) members.

- (1) Each member shall hold office until his or her term expires, until his or her resignation, or until his or her appointment is terminated in accordance with the Boards, Committees and Commissions law.
 - (2) *Pro Tem Members.* The Oneida Business Committee may appoint up to five (5) Pro Tem members in accordance with the appointment process contained in the Boards, Committees and Commissions law.
 - (A) Pro Tem members shall serve the limited purpose of assisting with the hiring selection process and grievance hearing process in the event of an incumbent member's recusal based on a conflict of interest.
 - (B) The Pro Tem members shall meet the same qualification and training requirements as members of the Oneida Personnel Commission.
- (b) *Appointment.* Each member shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law to serve a five (5) year term. The first term shall be staggered with one (1) member receiving a one (1) year term; one (1) member receiving a two (2) year term; one (1) member receiving a three (3) year term; one (1) member receiving a four (4) year term and one (1) member receiving a five (5) year term. Each appointment after the initial staggered terms shall receive a five (5) year term.
- (c) *Vacancies.*
- (1) *Filling of Vacancies.* Vacancies shall be filled in accordance with the Boards, Committees and Commissions law.
 - (2) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the OPC Chairperson or Chairperson's designee.
 - (A) *Effective Date of Resignation.* A resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
 - (3) *Terms of Replacement Member.* A replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.
 - (A) A replacement member is defined as a member who fills a vacancy caused by resignation, removal or termination.
- (d) *Qualifications.* OPC members shall meet the following qualifications:
- (1) Be an enrolled member of the Oneida Nation;
 - (2) Be at least twenty-one (21) years of age;
 - (3) Shall not be an employee of the Nation;
 - (4) Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Nation, including, but not limited to, the oath of office, the Oneida Rules of Civil Procedure, the Oneida Personnel Policies and Procedures and other laws/policies regarding employment, the Code of Ethics, and the Boards, Committees and Commissions law; and
 - (5) Have a minimum of two (2) years supervisory experience along with

hiring experience, an Associate Degree, or equivalent experience or education.

- (e) *Duties and Responsibilities.* OPC members shall abide by the following:
- (1) Both formal and informal communications to any entity on behalf of the OPC must come from a member of the OPC through OPC directive. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP to provide procedural guidance, consistent herewith, on determining when, how, and by which OPC member(s) communications are made;
 - (2) Uphold all laws and policies of the Nation, including, but not limited to, the Boards, Committees and Commissions law;
 - (3) Participate in the hiring selection process, including job description pre-screens and interviews, in accordance with the Oneida Personnel Policies and Procedures;
 - (4) Conduct grievance hearings in accordance with the Oneida Personnel Policies and Procedures and Oneida Business Committee resolution BC-03-13-19-C;
 - (A) The Oneida Judiciary Rules of Civil Procedure apply to proceedings conducted by the OPC, except where the Oneida Personnel Policies and Procedures are more specific, then those shall supersede.
 - (B) Appeals from OPC decisions to the Judiciary as authorized by the Nation's Judiciary law shall be governed by the Rules of Appellate Procedure.
 - (5) Be available for meetings, trainings, interviews, prescreening, reassignments, grievance hearings and other duties as needed;
 - (A) Three (3) unexcused absences to attend to such duties may be cause for the OPC to make a recommendation for termination to the Oneida Business Committee per section 1-6 of these bylaws.
 - (i) A member who fails to notify an OPC Officer, in writing, of his or her pending absence at least thirty (30) minutes before the start of the missed meeting shall be deemed unexcused.
 - (6) Exclusively use the official Oneida email address provided by the Nation upon appointment to the OPC ("Official Email") to conduct business electronically on behalf of the OPC; and
 - (7) *Dress Code.* Members are expected to be clean, well-groomed and dressed in business casual attire when conducting activities on behalf of the OPC, including, but not limited to, employee interviews and grievance hearings.
 - (A) By way of example, business casual attire does not include:
 - (i) Tattered jeans or shorts;
 - (ii) Shirts with language or graphics that are vulgar, sexually explicit, or otherwise offensive;
 - (iii) Attire that is revealing or provocative;

- (iv) Flip-flops or any type of loose footwear;
- (v) Sweat suits;
- (vi) See-through blouses or shirts;
- (vii) Sports bras, halter tops, or similar attire;
- (viii) Tank tops;
- (ix) Clothing that allows bare midriffs; and/or
- (x) Clothing that is ripped or stained.

1-6. *Termination.* An OPC member who violates these bylaws, or any other governing laws of the Nation, may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.

- (a) Any member whose appointment is terminated by the Oneida Business Committee after the adoption of these bylaws, as may be amended from time-to-time hereafter, shall not be eligible for re-appointment to the OPC for a minimum of five (5) years following his or her termination.
- (b) Recommendations to the Oneida Business Committee for termination of a member's appointment shall be determined by a majority vote of the members in attendance at an OPC meeting of an established quorum.

1-7. *Trainings.*

- (a) OPC members must complete the following training prior to participating in any screenings, interviews and/or grievance hearings on behalf of the OPC:
 - (1) Four (4) hours of e-Learning on interview certification and four (4) hours of orientation through the Oneida Human Resources Department, which shall include:
 - (A) EEO training;
 - (B) Training on laws, rules and regulations of the Nation; and
 - (C) Training on the Oneida Personnel Policies and Procedures.
 - (2) Training on the grievance process, which shall include:
 - (A) A presentation developed by the Oneida Judicial System on the Oneida Judiciary Rules of Civil Procedure, an estimated three (3) hours in length;
 - (B) Up to three (3) hours of training in formal opinion writing and the basics of evidence; and
 - (C) Two (2) hours of training in professional ethics, including issues of confidentiality.
 - (3) Any other training deemed necessary by the Oneida Business Committee.
- (b) After serving on the OPC for one (1) year, all OPC members shall either accumulate a minimum of eight (8) hours of training annually in the above subject matter or shall review annually the lessons and materials connected with the above subjects.
- (c) Completion of all training, including training under section 1-7(b), shall be confirmed by receipt of a certificate or some other written documentation and kept on file with the OPC.

- (d) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the OPC shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

Article II. Officers

2-1. *Officers.* The Officer positions for the OPC shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

- (a) Shall preside over all meetings of the OPC;
- (b) Shall be a member of all subcommittees of the OPC, may call emergency meetings, and shall keep the OPC informed as to the business of the OPC;
- (c) Shall, with the assistance of the Secretary, submit annual and semi-annual reports to the Oneida General Tribal Council as required by the Boards, Committees and Commissions law;
- (d) Shall, with the assistance of the Secretary, submit quarterly reports to the Oneida Business Committee as required by the Boards, Committees and Commissions law;
- (e) Shall attend or designate another OPC member to attend the Oneida Business Committee meeting where the OPC's quarterly report appears on the agenda; and
- (f) Shall, with the assistance of the Secretary, forward notice of the meeting location, agenda and materials in the manner prescribed herein.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

- (a) In the absence of the Chairperson, shall conduct meetings of the OPC and appoint a temporary Vice-Chairperson for those meetings; and
- (b) Shall work with the Chairperson in all matters that concern the OPC.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

- (a) Shall keep accurate minutes and/or assure that accurate minutes are kept of all OPC meetings as required by the Boards, Committees and Commissions law and as further prescribed herein;
- (b) Along with the Chairperson, shall provide notice of regular, joint and emergency meetings, as well as agendas and materials, in the manner prescribed herein and as required under the Nation's Open Records and Open Meetings law;
- (c) Shall act as custodian of the records;
- (d) Shall attend to, or ensure proper attendance to, all correspondence and present to the OPC all official communications received by the OPC;
- (e) Shall, along with the Chairperson, submit annual and semi-annual reports to the Oneida General Tribal Council, as well as quarterly reports to the

Oneida Business Committee, as required by the Boards, Committees and Commissions law;

- (f) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, shall call meetings of the OPC to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside; and
- (g) Shall work with the Oneida Business Committee Support Office to administer the budget.

2-5. *Subcommittees.* Subcommittees of the OPC may be created and dissolved by the OPC when deemed necessary so long as in accordance with the Boards, Committees and Commissions law.

- (a) Members of a subcommittee created by the OPC shall not be eligible to receive stipends unless a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

2-6. *Selection of Officers.*

- (a) Officers of the OPC shall be elected to serve a one (1) year term by majority vote of the members in attendance at the next regular or emergency OPC meeting of an established quorum following a vacancy of an Officer position.
- (b) A member may hold only one (1) Officer position per Officer term.
- (c) Each Officer shall hold his or her office until:
 - (1) The member resigns;
 - (2) The member has his or her appointment terminated in the manner set forth in the Boards, Committees and Commissions law; or
 - (3) The member has been dismissed from his or her Officer position by a majority vote of the members in attendance at an OPC meeting of an established quorum.

2-7. *Budgetary Sign-Off Authority and Travel.* The OPC shall follow the Nation's policies and procedures regarding purchasing, travel, and sign-off authority.

- (a) Levels of budgetary sign-off authority shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
 - (1) All OPC Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
 - (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (b) The OPC shall approve a member's request to travel on behalf of the OPC by a majority vote of the members in attendance at a regular or emergency OPC meeting of an established quorum.
- (c) The OPC must review its budget on a monthly basis and have one or more members in attendance at all budget meetings.

2-8. *No Authorized Personnel.* The OPC shall not be authorized to hire personnel. The Oneida Business Committee Support Office and the Oneida Human Resources Department shall assist the OPC with administrative duties.

- (a) The Oneida Human Resources Department shall provide administrative assistance to the OPC in regard to the hiring and selection of employees, which shall include, but shall not be limited to, scheduling pre-screens and interviews, and coordinating OPC members to conduct hiring and selection activities.
- (b) The Oneida Human Resources Department shall provide administrative support to the OPC in regard to employee grievance hearings, including, but not limited to, accepting filings on behalf of the OPC, scheduling hearings, coordinating OPC members to serve as the hearing body, and providing a hearing room.

Article III. Meetings

3-1. *Regular Meetings.* Regular meetings shall occur on a monthly-basis. The regular meeting time, place and agenda shall be determined by the OPC at a regular meeting. If no alternative designation is made by the OPC, the regular meeting shall be the last Tuesday of every month.

- (a) Notice of meeting location, agenda and materials shall be provided by the Chairperson, with the assistance of the Secretary, to all members of the OPC in writing.
 - (1) Notice of meetings shall further be provided in accordance with the Nation's Open Records and Open Meetings law.
- (b) Meetings shall run in accordance with Robert's Rules of Order or another method approved by the Oneida Business Committee.

3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues require immediate action. Emergency meetings of the OPC may be called by the Chairperson or upon written request of any two (2) members. Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson, with the assistance of the Secretary, to all members of the OPC in writing and via telephone call at least twenty-four (24) hours in advance of the emergency meeting.

- (a) Notice of emergency meetings shall further be provided in accordance with the Nation's Open Records and Open Meetings law.
- (b) Within seventy-two (72) hours after an emergency meeting, the OPC shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held in March and September of each year in the Oneida Business Committee Conference Room of the Norbert Hill Center upon approval of the Oneida Business Committee.

- (a) Notice of the joint meeting agenda, documents, and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

3-4. *Quorum.* A majority of the OPC members shall constitute a quorum for the transaction of business, one of which shall include the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with 2-4(f) of these bylaws.

3-5. *Order of Business.* The regular meetings of the OPC shall follow the order of business as set out herein:

- (a) Call to Order
- (b) Roll Call
- (c) Approving of Previous Meeting Minutes
- (d) Reports
- (e) Old Business
- (f) New Business
- (g) Adjournment

3-6. *Voting.* Voting shall be in accordance with the simple majority vote of the members in attendance at an OPC meeting of an established quorum.

- (a) The Chairperson or presiding Officer shall vote only in the case of a tie.
- (b) The OPC is permitted to e-poll; provided, it does so in accordance with the procedures set forth in the Boards, Committees and Commissions law.

Article IV. Expectations

4-1. *Behavior of Members.* Members are expected to treat each other in accordance with the Nation's core values of The Good Mind as expressed by OnΛyote'a'ka, which includes:

- (a) Kahletsyalúsla. The heart felt encouragement of the best in each of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Ka'nikuhli'yó. The openness of the good spirit and mind.
- (d) Ka'tshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
- (f) TwahwahtsílawayΛ. All of us are family.
- (g) YukwatsístayΛ. Our fire, our spirit within each one of us.
- (h) *Enforcement.* A member who fails to treat other members in accordance with this section of the bylaws; fails to follow any other section of these bylaws and/or fails to adhere to any other governing laws of the Nation, may be subject to a recommendation for termination of his or her appointment from the OPC.

- (1) Appointed members of the OPC serve at the discretion of the Oneida Business Committee.

- (2) Upon the recommendation of a member of the Oneida Business Committee or a recommendation from the OPC, by majority vote of the members in attendance at an OPC meeting of an established quorum, a member may have his or her appointment terminated by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

- 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the OPC that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person, or damage to property during a meeting or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the OPC and/or the imposition of sanctions and/or penalties according to laws and policies of the Nation.
- 4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by a member of the OPC when acting in his or her official capacity is strictly prohibited. Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.
- 4-4. *Social Media.* OPC members shall abide by the Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the OPC.
 - (a) OPC members shall further refrain from posting, attaching or writing anything relating to OPC business or activities on any social media outlet except for notices of meetings and notices of meeting cancellations.
- 4-5. *Conflict of Interest.* OPC members shall abide by all laws of the Nation governing conflicts of interest. Members must submit a Conflict of Interest Disclosure form upon their oath of office and annually thereafter.

Article V. Stipends and Compensation

- 5-1. *Stipends.* OPC members shall be eligible for the following stipends as set forth in and subject to these bylaws; the Boards, Committees and Commissions law; and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:
 - (a) One (1) monthly meeting stipend.
 - (b) One (1) stipend per day for participating in interviews and/or job description pre-screens conducted by the Human Resources Department.
 - (c) Stipends for holding grievance hearings.
 - (d) Stipends for Judiciary hearings.

- (1) A member of the OPC may receive a stipend for attending an Oneida Judiciary hearing if that member is required to attend by official subpoena.
 - (e) Stipends for each full day of trainings/conferences that a member is required to attend by law, bylaws or resolution.
 - (f) A member shall receive a stipend for his or her attendance at a duly called joint meeting as defined under the Boards, Committees and Commissions law.
- 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, OPC members are not eligible for any other type of compensation for duties/activities they perform as members of the OPC.
- (a) OPC members shall not act in any other official or personal business capacity or on behalf of any other entity or individual while acting in the capacity of an OPC member or on behalf of the OPC.

Article VI. Records and Reporting

- 6-1. *Agenda Items.* Agendas shall be maintained in a consistent format as identified in Article III, section 3-5 of these bylaws.
- 6-2. *Minutes.* All minutes shall be typed in a consistent format created by the Oneida Business Committee Support Office and shall be submitted to the Oneida Business Committee Support Office within thirty (30) days after approval by the OPC.
- 6-3. *Attachments.* Handouts, attachments, memoranda and the like shall be attached to the corresponding minutes and the agenda and maintained electronically by the Oneida Business Committee Support Office.
- 6-4. *Oneida Business Committee Liaison.* The OPC shall regularly communicate with the Oneida Business Committee member who is its designated liaison. The frequency and method of communication shall be as agreed upon by the OPC and the liaison, but not less than required in any law or policy on reporting developed by the Oneida Business Committee or the Oneida General Tribal Council.
- 6-5. *Audio Recordings.* The OPC shall audio record all meetings of the OPC on a device supplied or approved by the Oneida Business Committee Support Office and shall submit the recordings to the Oneida Business Committee Support Office within two (2) business days of recording for purposes of maintaining the audio records.
- (a) Audio recordings of executive session portions of an OPC meeting are not required.

Article VII. Amendments

7-1. *Amendments.* The OPC may amend these bylaws upon a majority vote of the members in attendance at an OPC meeting of an established quorum.

- (a) Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.
- (b) Amendments to these bylaws must be approved by the Oneida Business Committee prior to implementation.
- (c) The OPC shall review these bylaws no less than on an annual basis.

These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on October 23, 2019, by the Secretary of the Oneida Business Committee's signature.



Lisa Summers, Secretary
Oneida Business Committee