

# Oneida Tribe of Indians of Wisconsin



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



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

## BC Resolution 02-23-11-D

### *Extension of Emergency Amendments to the Personnel Policies and Procedures on Trade-Back for Cash of Personal and Vacation Time*

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** Section IV of the Personnel Policies and Procedures provides for an annual trade-back for cash program for unused vacation and/or personal time; and
- WHEREAS,** in order to stem the Tribe's exposure to liability, it is necessary to ensure that the trade-back for cash program is allowed only when it is fiscally responsible to do so; and
- WHEREAS,** in some instances, limiting the trade-back for cash program to those employees who have banked personal and/or vacation hours and are unable to utilize those hours due to their working conditions, such as a staffing shortage, will be fiscally responsible and will enable those employees to receive compensation in place of time off; and
- WHEREAS,** the Administrative Procedure Act (APA) authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** Resolution BC-09-08-10-C, Emergency Amendments to the Personnel Policies and Procedures on Trade-Back for Cash of Personal and Vacation Time, amended the Personnel Policies on an emergency basis for six (6) months; and
- WHEREAS,** a public hearing on the amendments was held on November 18, 2010 and the amendments have been forwarded for approval at the next available General Tribal Council meeting; and
- WHEREAS,** extension of the emergency amendments to the Personnel Policies and Procedures is necessary for the preservation of the public health, safety, or general welfare of the Reservation population, and that observance of the regular APA adoption requirements for passage of amendments to laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the following amendments to the Personnel Policies and Procedures are hereby extended for an additional six months after the original emergency amendments expire:

#### IV. COMPENSATION AND BENEFITS

...

##### A. SALARY

##### 5. Vacation/Personal Days

...

n. Trade-back for Cash. Each fiscal year, the Oneida Business Committee shall analyze fiscal conditions to determine whether employees may trade back personal and/or vacation hours for cash that fiscal year.

1) If the Oneida Business Committee approves trade-back for cash, they shall also determine whether (a) or (b) applies:

1a) All employees ~~shall~~will have the opportunity to ~~combine both vacation and personal days for cash~~trade back hours one time ~~each~~that year.

i) By August 15, each employee who has accumulated 24 hours or more of vacation and/or personal days may opt to trade in his/her hours for cash.

ii) Employees will receive their trade back on or before September 30 of that year.

b) Only those employees who are unable to utilize their personal and/or vacation time due to working conditions, such as a shortage in staffing, as determined by the HRD Manager or designee, will have the opportunity to trade back hours on a quarterly basis.

i) Employees will receive their trade back within 60 days after opting to trade back hours.

2) When trade-back for cash is approved by the Oneida Business Committee, the following standards shall apply:

2a) Employees must decide which status (vacation or personal or both) from which their trade-back will be drawn.

4b) Employees may not trade for cash more than 80 hours in one year.

a) ~~By September 30 of each year, each employee who has accumulated 24 hours or more of vacation and/or personal days may opt to trade in his/her hours for cash.~~

b) ~~Employees will receive their trade back prior to November 30 of that year.~~

3) ~~Employees have the option to maintain their accumulated personal and vacation days as hours or trade them in for cash.~~

#### CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 8 members were present at a meeting duly called, noticed and held on the 23<sup>rd</sup> day of February 2011; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Tribal Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."