



# Oneida Employment Grievance Process for Appealing an Adverse Employment Action, Deprivation of Equal Employment Opportunities, or Corrective Actions

*\*Contact an Employee Representative with any questions you may have*

This is the process for an employee who feels that their supervisor took an adverse employment action, deprived them of an equal employment opportunity, or wrongfully issued a corrective action.

Per the Employment Law (201.3), these terms mean:

**Adverse Employment Action** means a supervisor's failure to comply with the Oneida Nation Employee Handbook (Handbook) and it results in a significant change in an employees employment status.

**Equal Employment Opportunity** means the Nation's consideration for hiring selection and position retention and compensation and benefit distribution that is free from discrimination against any person on the basis of race, color, religion, sex (including pregnancy, sexual orientation and gender identification), national origin, age, disability, economic status or genetic information. Oneida and Indian Preference are allowable and are not considered a deprivation of an EEO.

**Corrective Action** means any initiative taken by an employee supervisor with the goal of correcting an employee's prohibited behavior as identified in the Handbook.

## Step 1. Request the Reviewing Supervisor to Reconsider

Did you request reconsideration to your reviewing supervisor within 10 days of your supervisor's action?

### IF NO

Your supervisor's action is not appealable. Process ends.

### IF YES

Your reviewing supervisor must decide to uphold, modify or reverse your employee supervisor's action within 10 business days of your request for reconsideration.

## Step 2. First Level of Appeal

If you disagree with your reviewing supervisor's decision, was the action under review related to an adverse employment action, deprivation of an equal employment opportunity and/or a wrongfully issued suspension or termination (anything except written warnings)?

### IF NO

You have no appeal available, but if this written warning is later used as a basis for a suspension or termination, the court may consider whether this written warning was wrongfully issued, but only if you requested reconsideration from your reviewing supervisor.

### IF YES

You may appeal the supervisor's action to the Trial Court.

## Step 3. Second Level of Appeal

Do you still disagree with the decision of the Trial Court?

### IF NO

The Trial Court's decision is final.

### IF YES

You may appeal the Trial Court's decision to the Oneida Judiciary based on the Rules of Appellate Procedure so long as you file your complaint within 30 calendar days of the date of the Trial Court's decision.