

ONEIDA TRIBE OF INDIANS OF WISCONSIN
Human Resources Department

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Memorandum

To: Oneida Business Committee (OBC), and OBC Direct Reports
From: Matthew J. Denny Sr., Equal Employment Opportunity (EEO) Director
Date: February 4, 2013
Subj: Complaints, Disciplinary Actions, and Grievances

A handwritten signature in black ink, appearing to be "MJD", is written over the "From:" line of the memorandum.

Since the adoption of BC Resolution 03-28-12-C, "*Division Directors and the Grievance Process*", questions were brought forward to this department.

Below is a list of those questions along with their procedurally correct answers:

- Q1) Does the OBC have the authority to hear complaints against employees who directly report to them?
- A) Yes. Members of the OBC do have supervisory authority and responsibility.
 - B) The "*Complaints*" section, as stated in Section V.D.1. of the Oneida Personnel Policies and Procedures will be utilized.
- Q2) Does the OBC have the authority to issue disciplinary actions to employees who directly report to them?
- A) Yes. Members of the OBC do have supervisory authority and responsibility.
 - B) The "*Disciplinary Procedure*", as stated in Section V.D.5. of the Oneida Personnel Policies and Procedures will be utilized.
 - C) The OBC member issuing the disciplinary action will write/type, "*Oneida Personnel Commission*" and their "*location*" in "*Part IV – Employee Rights*" section of the Disciplinary Action Form located on the Oneida Intranet.

- Q3) Where should the grievance appeal be filed if a General Manager level position (*The highest level in the chain of command under the OBC*) issues a disciplinary action to one of their direct reports?
- A) The grievance appeal should be filed with the Oneida Personnel Commission.
 - B) This is in accordance with BC Resolution 03-28-12-C, which states, "*the Division Directors shall continue to be identified as the final point in any grievance appeal process and any further appeals shall go directly to the Personnel Commission as if all grievance appeals had been conducted.*"
 - C) The Oneida Personnel Commission's timelines and process will apply.
 - D) The General Manager level position issuing the disciplinary action will write/type, "*Oneida Personnel Commission*" and their "*location*" in "*Part IV – Employee Rights*" section of the Disciplinary Action Form located on the Oneida Intranet.
- Q4) Where should the grievance appeal be filed if a member of the Oneida Business Committee issues a disciplinary action to one of their direct reports?
- A) The grievance appeal should be file with the Oneida Personnel Commission.
 - B) This is in accordance with the "*Grievance*" section, as stated in Section V.D.6.b. of the Oneida Personnel Policies and Procedures.
 - C) This is also in accordance with BC Resolution 03-28-12-C.

Below is a brief history of why BC Resolution 03-28-12-C was initiated:

- 1) BC Resolution 09-28-11-E, "*Interim Removal of the Position of General Manager and Permanent Removal of Assistant General Manager*", the OBC took the following two (2) actions:
 - a. Remove the position of General Manager from the organization structure on an interim basis until such time as a final re-organization can be presented the General Tribal Council for action.
 - b. The position of Assistant General Manager is hereby removed from the organization structure.

- 2) BC Resolution 10-04-11-A, "*Emergency Amendments to Grievance Process*", the OBC took the following action:
 - a. Division Directors shall be identified as the final point in any grievance appeals process and that any further appeals shall be directly to the Personnel Commission as if all grievance appeals had been concluded.
- 3) Human Resources Department Interpretation 11-06-11, "*Interpretation of "General Manager" as used in the Oneida Personnel Policies and Procedures*", states the following:
 - a. It is the interpretation of the Human Resources Department that the function of "General Manager," as stated in the Oneida Personnel Policies and Procedures, is defined as: The highest level in the chain of command under the OBC.
- 4) BC Resolution 03-28-12-C, "*Division Directors and the Grievance Process*", the OBC took the following action:
 - a. Upon the expiration of BC Resolution 10-04-11-A, the Division Directors shall continue to be identified as the final point in any grievance appeal process and any further appeals shall go directly to the Personnel Commission as if all grievance appeals had been conducted.