

GTC RESOLUTION # 2-28-04-A

Adoption of Amendments to the Oneida Personnel Policies and Procedures

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 General Tribal Council; and

WHEREAS, the Oneida Appeals Commission rendered a decision in Lavina Orosco v. Oneida Bingo and Casino, Docket #02-AC-029 on August 11, 2003 which addressed the grievance filing process contained within the Oneida Personnel Policies and Procedures; and

WHEREAS, the Oneida Appeals Commission may interpret Oneida law but can not enact or amend Oneida law through its decisions; and

WHEREAS, the Oneida Personnel Policies and Procedures is considered a law which can only be permanently amended by the General Tribal Council; and

WHEREAS, the Oneida Business Committee adopted BC Resolution # 9-10-03-A which amended the Oneida Personnel Policies and Procedures on an emergency basis in order to address vagueness and ambiguity contained within the Oneida Personnel Policies and Procedures.

NOW THEREFORE BE IT RESOLVED that the General Tribal Council hereby adopts the following amendments to the Oneida Personnel Policies and Procedures:

V.D.6.a. For all disciplinary actions, regardless of severity:

- 1) The employee (petitioner) must file an appeal in writing.
 - a) The employee may seek the assistance of a spokesperson or advocate at any time after the disciplinary action has been issued in order to aid in the resolution of the grievance process.
 - b) The appeal must be filed with the Area Manager and the Oneida Human Resources Manager (or designee) within ten (10) working days from the day the employee receives the disciplinary action.

- 2) The Area Manager, for all disciplinary action investigations, will have ten (10) working days from the receipt of the employee's appeal to complete the investigation. One extension of no more than five (5) working days may be requested of and granted by the Oneida Human Resources Manager (or designee) at his or her discretion.
- 3) The Area Manager will do one of the following:
 - a) Uphold the disciplinary action; or
 - b) Modify the disciplinary action; or
 - c) Overturn the disciplinary action. If a suspension or termination is overturned, the employee (petitioner) shall be reinstated with full back pay.
- 4) The Area Manager will file a decision with the employee and the Oneida Human Resources Manager (or designee) and will include a reason for the decision, an explanation of the decision and the action to be taken as a result of it.
 - b. The employee may appeal the Area Manager's decision to the Oneida Personnel Commission. The appeal must be filed with the Oneida Personnel Commission within ten (10) working days from employee's receipt of the Area Manager's decision. Upon receipt of the appeal the Commission shall, within one business day, notify the Oneida Human Resources Manager (or designee) that an appeal has been filed by the employee.

BE IT FURTHER RESOLVED that subsections one through nine of Section V.D.6.c. shall be renumbered and shall now be cited as Section V.D.6.b. 1) through 9), but shall otherwise remain as written.

BE IT FINALLY RESOLVED that the term "Area Manager" shall be added to the **DEFINITIONS** section in the Oneida Personnel Policies and Procedures and "shall mean, in both gaming and non-gaming divisions, either (1) the supervisor of the supervisor who disciplined the employee or, in other words, two levels of supervision in the chain of command above the disciplined employee, or (2) an individual designated to be the Area Manager by the Division Director (or, in divisions where there is no director, the General Manager) and approved by the HRD Manager (or designee)."

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 141 members present at a meeting duly called, noticed, and held on the 28th day of February, 2004; that the foregoing resolution was duly adopted at such meeting by a unanimous vote of those present and that said resolution has not been rescinded or amended in any way.

Julie Barton, Secretary
ONEIDA BUSINESS COMMITTEE