



## Memorandum

To: General Tribal Council  
From: Oneida Business Committee  
Date: August 16, 2018  
Re: Petitioner Gina Powless's presentation materials

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The purpose of this memorandum is to provide you notice that presentation material from Petitioner Gina Powless (Petitioner) has been submitted for the August 27, 2018 Special General Tribal Council (GTC) Meeting.

### Background

On Monday, August 13, 2018, it was brought to the attention of the Oneida Business Committee (OBC) that the Petitioner posted to social media, a claim that she was not afforded an opportunity to provide presentation materials for the August 27, 2018, special GTC meeting packet regarding her request to reinstate the Oneida Personnel Commission.

Upon learning of this claim, the Tribal Secretary reached out to the Petitioner to clarify. The Tribal Secretary notified the Petitioner that she was provided notice via e-mail on July 16, 2018, in accordance with the only contact information included in her petition, to submit any additional material she had for the packet by July 23, 2018. The Tribal Secretary also clarified with the Petitioner that e-mail was the chosen method of communication due the compressed packet production timelines which are now common, in order to adhere to the 120-day petition requirement (attached for your reference is a copy of the e-mail sent to the Petitioner).

It is important to note that upon review the presentation materials submitted by the Petitioner, the same material is already referenced in the packet that has been provided.

### Current Status

The Petitioner claimed she was expecting written correspondence via regular mail, so in order to ensure representation of the Petitioner's presentation, the Tribal Secretary worked with the Petitioner on a solution.

The following steps were taken to assist in the distribution of the presentation material the Petitioner wished to provide.

- The Petitioner was provided additional time to provide her presentation material to the OBC;
- The Petitioner's presentation material was added to the Members' only website on the GTC Portal page where all GTC Petition materials are located;
- Additional notice was placed on the "prominent places" notice that the Petitioner's presentation materials were posted; and
- The Petitioner's presentation materials will be copied and made available at the GTC Meeting on August 27, 2018.

Any questions you may have regarding this update can be directed to Lisa Summers, Tribal Secretary, at 920-869-4478 or via email at [lsummer2@oneidanation.org](mailto:lsummer2@oneidanation.org).

**From:** [TribalSecretary](#)  
**To:** [Gina.Buenrostro@yahoo.com](mailto:Gina.Buenrostro@yahoo.com)  
**Subject:** Notice regarding tentative GTC meeting date, analyses and meeting materials  
**Date:** Monday, July 16, 2018 3:41:37 PM  
**Attachments:** [Legislative Analysis--GPowless - OPC Dissolution.pdf](#)  
[Legal Analysis--GPowless - OPC Dissolution.pdf](#)  
[Financial Analysis--GPowless - OPC Dissolution.pdf](#)

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Gina,

The OBC took action to add the Oneida Personnel Commission Dissolution petition to a special GTC meeting agenda tentatively scheduled for Monday, August 27, 2018, at 6:00 p.m.

At the July 11, 2018, regular OBC meeting, the legislative, legal, and financial analyses for the petition were submitted and accepted by the OBC. Attached are copies for your reference. These documents will also be posted on the GTC Portal on the website.

The meeting packet for the special GTC meeting tentatively scheduled for Monday, August 27, 2018, are also due to be approved by the OBC at the regular OBC meeting on July 25, 2018.

In order to comply with the Oneida GTC Ten Day Notice Policy, the Computer Resources Ordinance, and GTC's 120-day Petition Directive, all multimedia materials (i.e. PowerPoint presentation) and any additional information you'd like included the meeting materials must be submitted to the Business Committee Support Office (room #284, 2<sup>nd</sup> Floor, Norbert Hill Center) no later than, 4:30 p.m. on Monday, July, 23, 2018. You may submit materials in person or via email at: [TribalSecretary@oneidation.org](mailto:TribalSecretary@oneidation.org).

If you have questions, please feel free to let me know. Thank you, and have a great day.

Lisa Liggins  
Information Management Specialist  
Business Committee Support Office (BCSO)



**A good mind. A good heart. A strong fire.**

PO Box 365  
Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)

## GENERAL TRIBAL COUNCIL

As the Petitioner for the Petition addressing the Oneida Business Committee's actions of April 11, 2018, to dissolve the Oneida Personnel Commission, I initiated this action as I believed that taking this action without the expressed approval of General Tribal Council, was not within the Oneida Business Committee's scope of authority. Further, the Oneida Business Committee when taking this action, cited that there was an emergency to the safety and welfare of the Oneida Nation in doing so, yet they have not been specific and clear in identifying what that immediate danger was. To date, I have not read or been provided a copy of the immediate emergency.

I know that I have knowingly taken on the entire Business Committee, I know that I am going up against legal opinions from the lawyers of the LAW OFFICE, I know that I am going up against families and families of those that preside on the Business Committee. My intention is not of disrespect to any of the 9 members of the Oneida Business Committee. My perspective is if they have collectively made a wrong decision, WE as GTC can correct that decision and make it right. I know that I am the underdog in this situation. I hope that I can compel you, GTC, to take back your government and hold this Oneida Business Committee accountable for their decision making if YOU BELIEVE it is wrong.

The Oneida Personnel Commission was created by General Tribal Council as an entity to have oversight and direct involvement in the hiring processes within our Human Resource Department to ensure fairness and equity to all individuals that apply for employment within the Oneida Nation. There have been numerous issues of favoritism, and nepotism that the Oneida Personnel Commission had identified and addressed with HRD. There were times when the Personnel Commission attempted to have HRD attend Personnel Commission meetings to talk and resolve issues of hiring when processes were in question, or when processes appeared to have been manipulated.

The Oneida Personnel Commission has been designated as the Original Hearing body to hear all employment related disputes. This authority is contained in the Oneida Nations Personnel Policy and Procedure Manual, which has been APPROVED by General Tribal Council. Maybe some of you are not aware, but there have been continual issues when it pertains to the hiring processes followed by HRD. Sometimes applicants are screened out, and never get an explanation as to why. Certain positions within the Nation are "interim" and so those individuals that are hand selected to go into interim positions never have to be interviewed like everyone else. The Personnel Commission had the authority to report discrepancies and issues, and have done so through their quarterly reports to the Oneida Business Committee. The Oneida Business Committee made decisions in the last few years to not accept reports when the information presented was "questionable" or "controversial". With that said, the Oneida Personnel Commission continued to inform GTC of issues and concerns through the Kahliwisaks.

I am attaching GTC Resolutions that are clear, GTC has the authority to amend the Oneida Nation's Personnel Policy and Procedure Manual, NO ONE ELSE. I ask for your support in rescinding the Business Committee actions of:

BC Resolutions as identified in the Petition that I have submitted.

I am also requesting GTC to take into consideration suspending the Business Committee members that were involved in the decision. If GTC wishes to do so, it doesn't have to be for 90 days. It can be for whatever you feel is adequate and appropriate. In the Past, GTC has taken action to reprimand the Oneida Business Committee when they have acted outside the scope of their authority, I have attached the GTC minutes of October 2, 1982, reflecting that this has been done by GTC.

I have also attached GTC resolution 2-25-82, reflecting the directive from GTC to the Oneida Business Committee to keep the separation of the powers of legislative and administrative affairs of the Nation. In other words, STAY OUT OF DAY TO DAY BUSINESS.

I have attached GTC Resolution 2-28-04-A, that specifically states highlighted "the Oneida Personnel Policies and Procedures is considered a LAW which can only be permanently amended by the General Tribal Council..."(emphasis added). I am not sure as to when the Oneida Business Committee planned to get your approval, but so far it's been 4 & 1/2 months since they took that action.

Amendments or changes to the Personnel Policies and Procedures (Blue Book) has been the SOLE authority of GTC. Changes that have occurred to the Blue have been approved by GTC, in different instances GTC Resolution 2-28-04-A, 05-23-11-A, 05-23-11-B, 07-01-12-A.

The change that the Oneida Business Committee has made has amended the Blue Book in several areas. There is no longer oversight of HRD's hiring process with the exception of the Business Committee in the role of DIRECT SUPERVISION OF HRD. THIS IS INVOLVEMENT IN DAY TO DAY BUSINESS, HOWEVER, it is up to you GTC to make the decision whether or not you will allow this.

**THIS PROCESS AND AUTHORITY OF GTC CAN NOT BE MANIPULATED OR CIRCUMVENTED. IF WE ALLOW IT TO CONTINUE, THE AUTHORITY THAT RESTS WITH GTC WILL EVENTUALLY ERODE INTO PAST PRECEDENCE THAT WE ALLOWED TO OCCUR.**

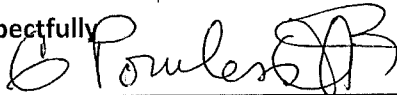
I respectfully request General Tribal Council to rescind the actions of the Oneida Business Committee, and rescind the attached BC Resolutions:

1. BC Resolution 04-11-18-A Dissolution of Personnel Commission
2. BC Resolution 04-11-18-B Creation of the Personnel Selection Committee
3. BC Resolution 04-25-18-D Military Service Employee Protection Act Emergency Amendment
4. BC Resolution 04-25-18-E Oneida Personnel Policies and Procedures Emergency Amendment
5. BC Resolution 04-25-18-F Oneida Judiciary Rules of Civil Procedure Emergency Amendment
6. BC Resolution 04-25-18-G Employee Protection Policy Emergency Amendment
7. BC Resolution 04-25-18-H Transition Plan for the Transfer of Hearing Authority from the Personnel Commission to the Judiciary – Trial Court

I am requesting that the Personnel Commission are placed back into their offices, that they get their budgeted monies that were already approved by GTC, that the staff of the Personnel Commission are placed back into their positions . The Oneida Personnel Commission will exist until ONLY GTC decides to remove the entire entity.

Finally, in the Blue Book, it states that "employees" can be suspended for up to 3 weeks. This is what we subject our employees too, if so deemed necessary, I believe that the message should be strong with the Oneida Business Committee, you can't do what you want, when you want, how you want, especially if GTC has not APPROVED IT.

Respectfully



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Gina Powless-Buenrostro

## **GTC minutes of October 2, 1982**

**GTC Resolution 2-25-82, reflecting the directive from GTC to the Oneida Business Committee to keep the separation of the powers of legislative and administrative affairs of the Nation and the action of GTC suspending the Oneida Business Committee**



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

# Oneida Tribe of Indians of Wisconsin

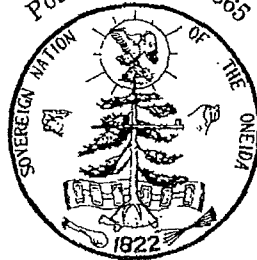


UGWA DEMOLUH YATENE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States was made possible.

Post Office Box 365

Phone: 869-2771

Oneida, WI 54155



*Approved as corrected at amended per GTC meeting 10/9/82*

(CORRECTED)

CONTINUED

## SPECIAL GENERAL TRIBAL COUNCIL MEETING

OCTOBER 2, 1982

Meeting reconvened at 10:27 A.M. with no quorum.

Gary Metoxen gave a prayer.

### CONTINUATION: EDUCATION PRIORITIES

There was a question on Education Priorities. Jerry asked who drafted the priorities. Frank Cornelius said the Business Committee developed over-all priorities and the Education Department study is going to start in October of this year.

Question on how the Policy Statement effects Oneida's that don't live in Oneida. The way the BIA view the policy when they cut back is the Oneida's on or near the Reservation would get funds first and then in the State and then outside the State.

A quorum was present at 11:07, with a total of 78 Tribal members present.

John Powless made a motion to change the Agenda, in order to present a Resolution. Lee McLester seconded. Motion Carried.

John Powless then presented Resolution No. 10-2-82-A.:

WHEREAS: The Oneida General Tribal Council is vested with the sovereign power to make laws and policies for the Oneida Tribe of Indians of Wisconsin, and;

WHEREAS: The Oneida General Tribal Council in a duly held session, adopted a policy and procedures manual (commonly known as the "Red Book"), and instructed the Oneida Business Committee to follow this manual, in the administration of Tribal Programs, and;

WHEREAS: The Oneida Business Committee at a duly called meeting on September 28, 1982 voted 5 to 4, to dismiss a Tribal employ ee on the recommendation of the Tribal Administrator and sent the case to the Personnel Selection Committee for a hearing, and;

WHEREAS: The Oneida Business Committee has violated the civil rights of a Tribal



employee by denying the employee due process, since all decisions of the Personnel Selection Committee are either upheld or overturned by the Oneida Business Committee, the Oneida Business Committee in dismissing a Tribal employee have prejudiced themselves by voting to dismiss, and therefore, cannot review an appeal from the Personnel Selection Committee, and,

WHEREAS: The Oneida General Tribal Council has the power to review all decisions of the Oneida Business Committee and can either support or over-rule the decisions made by the Oneida Business Committee; and,

NOW THEREFORE BE IT RESOLVED, that the employee who was dismissed on September 28, 1982 be reinstated with back-pay to time of dismissal.

BE IT FURTHER RESOLVED, that the five Business Committee members who voted for this dismissal, Gary Metoxen, Frank Cornelius, Wendell McLester, Howard Cannon, and Lloyd Powless, and the Tribal Administrator, Loretta Webster, be suspended without pay.

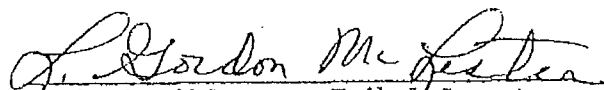
AND BE IT FURTHER RESOLVED, that the Oneida Law Office is directed to investigate the actions of the Business Committee in regard to the dismissal and submit a full report to the Oneida General Tribal Council within one week.

Ralph Powless made a motion to approve General Tribal Council Resolution #10-2-81-A. Lee McLester Seconded. Loretta Metoxen moved to amend the Resolution to read, under BE IT FURTHER RESOLVED, to be added, "for a duration of three (3) weeks and the Vice-Chairman will be in charge with the assistance and consent of the other three (3) Business Committee members to continue with the day-to-day business of the Tribe." Lee McLester seconded the amendment to the Resolution. Question called on the Amendment Motion Carried. Question called on the Resolution. Motion Carried. "The pay for the suspended Business Committee members and the Tribal Administrator would be reinstated retroactive to the date of suspension if they were found to be not guilty of any wrongdoing." (amended as per GTC meeting of 10/9/82) For The Record: "It will not affect anyone's job as Tribal employee's on the way they vote on this Resolution." Francis Skenandore stated that due to the fact that he had resigned, as of October 12, 1982, it would have to be within one weeks time.

Anna John made a motion that we have Attorney Francis Skenandore draw up whatever he can find with this and we will not adjourn but we will recess until that time. Seconded by Lee McLester. Motion Carried.

Meeting recessed at 12:10 P.M. until next Saturday, October 9, 1982 at 10:00 A.M.

Respectfully Submitted,

  
L. Gordon McLester, Tribal Secretary

John Powless made a motion that the General Tribal Council direct the Business Committee that they not be involved in Personnel decisions or in enterprises or programs. Lois Posless seconded. John Powless withdrew the motion and made a motion to accept the following Resolution:

RESOLUTION NO. 2-25-82

WHEREAS: The Oneida Tribe of Wisconsin, has a duly elected Business Committee to uphold the constitution and By-Laws of the Oneida Tribe, and

WHEREAS, The Oneida Tribe of Wisconsin has grown into a large business requiring the technical skills of trained administrators, and

WHEREAS, The elected officials need to maintain a separation of the legislative and administrative responsibilities of the Tribe,

NOW THEREFORE BE IT RESOLVED that the General Tribal Council hereby directs the Business Committee to hire a General Manager to be directly responsible for the programs and enterprises of the Tribe along with the Personnel Office and the Accounting Office.

BE IT FURTHER RESOLVED that the Business Committee be directed to become actively involved in the legislative areas such as:

- a. Develop a land acquisition plan
- b. Develop the Tribal Court System
- c. Revision of Tribal Constitution & By-Laws
- d. Develop Educational priorities - Tribal School
- e. Fiscal Plan
- f. Work on Land Claims
- g. Update and develop Ordinances

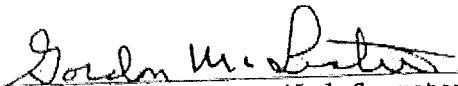
BE IT FURTHER RESOLVED that the Oneida Business Committee present a written report at the General Tribal Council meeting in July and that the report be made available to the General Tribal Council thirty (30) days prior to the meeting.

Lois Powless seconded. The Chairman called for a vote by hand and the vote was a tie. A recount was called and voting would be by Secret Ballot. The results were 87 yes, 84 no. The motion carried.

The Chairman asked for any comments on Item #3. The review and taking action in regard to the salary of the Business Committee. There were no questions.

Lois Powless made a motion to adjourn. Seconded by Mary Greendeer. Motion Carried. Meeting adjourned at 9:58 P.M.

Respectfully Submitted,

  
Gordon McLester, Tribal Secretary

**GTC Resolution 2-28-04-A, that specifically states highlighted “the Oneida Personnel Policies and Procedures is considered a LAW which can only be permanently amended by the General Tribal Council...”(emphasis added).**

# Oneida Tribe of Indians of Wisconsin

## BUSINESS COMMITTEE



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.

P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040

### 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.

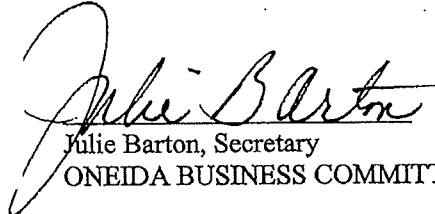
- 3) The Area Manager will do one of the following:
  - a) Uphold the disciplinary action; or
  - b) Modify the disciplinary action; or
  - c) Overturn the disciplinary action. If a suspension or termination is overturned, the employee (petitioner) shall be reinstated with full back pay.
- 4) The Area 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 28<sup>th</sup> 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

**GTC Resolution 05-23-11-A**

**Personnel Policies and Procedures**

**Amendments by GTC**

# 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.

## GTC Resolution 05-23-11-A

### *Personnel Policies and Procedures Amendments to Strengthen Indian Preference in Hiring*

- 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 Personnel Policies and Procedures includes an Indian Preference Statement of Policy which establishes preference in staffing decisions in the following order: (1) Enrolled Oneida Tribal member; (2) those eligible for enrollment; (3) Other native American Indian; (4) other (non-Indian); and
- WHEREAS,** based on a discussion at the GTC meeting conducted on January 3, 2011, the proposed amendments also include "documented first generation Oneida descendants" to the list of qualified applicants who are eligible to receive preference; and
- WHEREAS,** there are many Tribal members who possess the skills, abilities and background to meet the needs of the Tribe; and
- WHEREAS,** initially posting all vacant positions as "Oneida Only" would increase the number of Tribal members who are employed by the Tribe; and
- WHEREAS,** requiring that all Labor Pool Position applications be considered based, first, on Indian Preference and, second, on the date the application was received would also increase the number of Tribal members who are employed by the Tribe.

**NOW THEREFORE BE IT RESOLVED,** that the attached amendments to the Personnel Policies and Procedures are hereby adopted.

### 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 1,618 members present at a meeting duly called, noticed and held on the 23<sup>rd</sup> day of May, 2011; that the foregoing resolution was duly adopted at such meeting by a majority vote of those present and that said resolution has not been rescinded or amended in any way.

A handwritten signature in cursive script that reads "Patricia Hoeft".

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."

**GTC Resolution 05-23-11-B**

**Amendments to Trade Back for Cash of Personal  
and Vacation time**



# Oneida Tribe of Indians of Wisconsin



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## GTC Resolution 05-23-11-B

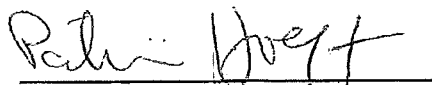
### *Amendments to the Personnel Policies and Procedures on Trade Back for Cash of Personal and Vacation Time*

- 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,** 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.

**NOW THEREFORE BE IT RESOLVED,** that the attached amendments to the Personnel Policies and Procedures on Trade Back for Cash of Personal and Vacation Time are hereby adopted.

## 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 1,618 members present at a meeting duly called, noticed and held on the 23<sup>rd</sup> day of May, 2011; that the foregoing resolution was duly adopted at such meeting by a majority vote of those present and that said resolution has not been rescinded or amended in any way.

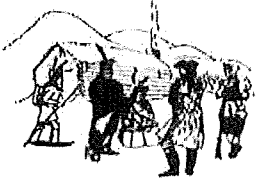
  
\_\_\_\_\_  
Patricia Hoeft, Tribal Secretary  
Oneida Business Committee

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

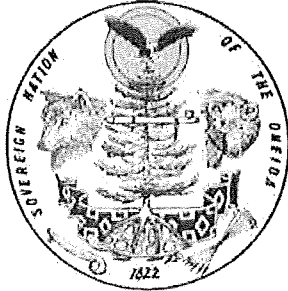
**GTC Resolution 07-02-12-A**

**Amendments to the accumulation of Vacation  
And Personal Days**

# Oneida Tribe of Indians of Wisconsin



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## GTC Resolution 07-02-12-A

### Amendments to the Personnel Policies and Procedures Relating to Vacation and Personal Day Accumulation

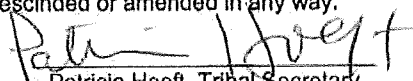
- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America, and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** when the budget for Fiscal Year 2010 was being finalized by the Oneida Business Committee, revenue projections were calculated according to best practices used in economic and financial projection and planning, and
- WHEREAS,** the Oneida Business Committee reviewed those revenue projections and determined that revenues were not being generated as anticipated, causing shortfalls, and
- WHEREAS,** there was and still is a need to address shortfalls to reduce deficit spending and Tribal debt, and
- WHEREAS,** the Personnel Policies and Procedures currently places no cap on the amount of time an employee can accrue for personal and vacation time, and
- WHEREAS,** the Tribe had an estimated liability of approximately \$7 million in unpaid vacation and personal time at the start of Fiscal Year 2010, and
- WHEREAS,** amendments were made to the Personnel Policies and Procedures in order to stem the Tribe's exposure to liability by placing a cap on personal and vacation time, and
- WHEREAS,** since those amendments were implemented, the Tribe's estimated liability in unpaid vacation and personal time has been reduced to approximately \$6.175 million, and
- WHEREAS,** it is necessary to permanently impose a cap on personal and vacation time in order to continue to stem the Tribe's exposure to liability relating to the amount of unpaid vacation and personal time.

**NOW THEREFORE BE IT RESOLVED,** that the attached amendments to the Personnel Policies and Procedures are hereby adopted.

**NOW THEREFORE BE IT FINALLY RESOLVED,** that the procedure that addresses those employees who have accumulated over 280 hours of combined vacation and personal time which was approved by the Oneida Business Committee shall continue to be implemented.

#### 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 1,867 members present, at a meeting duly called, noticed and held on the 2<sup>nd</sup> day of July, 2012; that the forgoing resolution was duly adopted at such meeting by majority vote of those present and that said resolution has not been rescinded or amended in any way.

  
Patricia Hoelt, Tribal Secretary  
Oneida Business Committee

**BC Resolution 04-11-18-A Dissolution of  
Personnel Commission**

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 04-11-18-A

### Dissolution of Personnel Commission, Tolling all Timelines in Personnel Related Matters, and Directing the Development of Emergency Amendments to Existing Laws

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida General Tribal Council adopted the Judiciary law as the next step in formalizing the hearing authority of the Oneida Nation in an independent judicial body; and
- WHEREAS,** the membership approved amendments to the Constitution which adopted Article V, Judiciary, establishing "a judiciary to exercise the judicial authority of the Oneida Nation"; and
- WHEREAS,** the Oneida General Tribal Council adopted resolution # GTC-03-19-17-A which designated the Oneida Judiciary as the judiciary authorized pursuant to Article V of the Constitution; and
- WHEREAS,** the Oneida Business Committee has presented reports, and the General Tribal Council has accepted such reports, regarding the consolidation of administrative hearing and judicial hearing responsibilities in the Judiciary which will increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has notified the Judiciary of its intention to consolidate all judicial functions and the Judiciary has identified that it is prepared to accept such responsibilities; and
- WHEREAS,** the Oneida Business Committee has adopted amendments to laws that transferred the hearing authority of the Environmental Resources Board and the Land Commission to the Judiciary; and
- WHEREAS,** the Personnel Selection Committee was created by the General Tribal Council to monitor the hiring process to protect against issues of nepotism and enforcing Oneida and Indian preference, and was renamed the Personnel Commission by resolution # BC-04-13-90-A; and
- WHEREAS,** the Personnel Commission has served the Oneida Nation as a hearing body for employee grievances since 1990, and appeals of those hearings were authorized to be

made to the Oneida Appeals Commission with its creation in 1991 by the General Tribal Council; and

**WHEREAS,** the Oneida Business Committee believes that it is now appropriate to begin consolidating employment related grievance hearings into the Judiciary as the number of current cases in the Personnel Commission is low and the costs of maintaining judicial hearing authorities continues to increase; and

**WHEREAS,** the emergency action to amend legislation to amend references to the Personnel Commission to reflect either the Judiciary or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides a clear judicial hearing; and

**WHEREAS,** the Oneida Business Committee believes that action needs to be taken to create this consolidation to meet the deadlines for processing the General Tribal Council meeting scheduled May 12, 2018 at which the proposed Employment Law will be presented; and


**NOW THEREFORE BE IT RESOLVED,** that the Personnel Commission is hereby dissolved and resolutions # BC-04-13-90-A and # BC-05-12-93-J and all subsequent actions is superseded.

**BE IT FURTHER RESOLVED,** all personnel matters pending, scheduled and for which timelines are running are hereby tolled until the emergency amendments can be brought forward by the Legislative Operating Committee regarding laws impacted by the dissolution of the Personnel Commission. This tolling of time shall be interpreted and applied in the best interests of the employee.

**BE IT FINALLY RESOLVED,** that the Legislative Operating Committee is directed to develop and present emergency legislative amendments to fully address the impact of this resolution to the next Oneida Business Committee meeting.

#### 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; 6 members were present at a meeting duly called, noticed and held on the 11<sup>th</sup> day of April, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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

**BC Resolution 04-11-18-B Creation of the  
Personnel Selection Committee**

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Resolution # 04-11-18-B Creation of the Personnel Selection Committee**

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the General Tribal Council created the Personnel Selection Committee whose responsibility was to protect against issues of nepotism and enforcing Oneida and Indian preference; and
- WHEREAS,** the Personnel Selection Committee was renamed the Personnel Commission by the Oneida Business Committee in 1990 by resolution # BC-4-13-90-A and the duties and responsibilities expanded by the Oneida Business Committee in 1993 by resolution # BC-05-12-93-J to act as a hearing body for employee matters; and
- WHEREAS,** the General Tribal Council adopted the Judiciary law in 2013, the members amended the Constitution to adopt Article V to create an independent Judiciary, and in 2017, the General Tribal Council reaffirmed that action; and
- WHEREAS,** the Oneida Business Committee has moved forward with consolidation of the hearing authority consistent with the General Tribal Council's action regarding the Judiciary; and
- WHEREAS,** the Personnel Selection Committee provided a valuable service in its original formation before being expanded to include hearing authority and that valuable service remains necessary in the hiring process; and
- WHEREAS,** the Oneida Business Committee has determined that recreating the Personnel Selection Committee is in the best interest of the Oneida Nation;

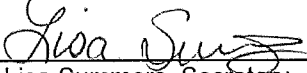
**NOW THEREFORE BE IT RESOLVED,** the Legislative Operating Committee is directed to create the by-laws for the Personnel Selection Committee to be placed on the May 23, 2018, Oneida Business Committee regular meeting agenda or earlier.

**BE IT FURTHER RESOLVED,** the Oneida Business Committee requests the Human Resources Department consider not scheduling screening or interviews until the Personnel Selection Committee is created and members are appointed. Provided that, the Human Resources Department may schedule screening and interviewing where it would be unreasonable to delay or further delay that action and shall ensure that employment laws of the Oneida Nation are enforced in the selection process.



**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; 6 members were present at a meeting duly called, noticed and held on the 11<sup>th</sup> day of April, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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

**BC Resolution 04-25-18-D Military Service  
Employee Protection Act Emergency  
Amendments**

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 04-25-18-D

### Military Service Employee Protection Act Emergency Amendments

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Military Service Employee Protection Act ("the Law") was adopted by the Oneida Business Committee through resolution BC-10-24-07-E; and
- WHEREAS,** the Law intends to minimize the disruption to the lives of employees of the Nation serving in the military as well as to the Nation by providing for the prompt reemployment of such persons upon completion of such service, and prohibits discrimination against people because they serve in the military; and
- WHEREAS,** the Law currently contains references to the Personnel Commission's employee grievance and disciplinary action hearing authority in regards to enforcement of employment or reemployment rights; and
- WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and
- WHEREAS,** resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and
- WHEREAS,** the emergency amendments to the Law replace any reference to the Personnel Commission with a reference to the Trial Court, and provides a definition for Trial Court; and

**WHEREAS,** the Legislative Procedures Act 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,** the emergency adoption of these amendments to the Law are necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved in absence of the Personnel Commission; and

**WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation.

**NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Military Service Employee Protection Act are hereby adopted on an emergency basis and shall become effective immediately.

#### 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; 6 members were present at a meeting duly called, noticed and held on the 25<sup>th</sup> day of April, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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

**BC Resolution 04-25-18-E Oneida Personnel  
Policies and Procedures Emergency  
Amendments**

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 04-25-18-E

### Oneida Personnel Policies and Procedures Emergency Amendments

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Personnel Policy and Procedures Section III governs selection policy for employment in the Nation and references the involvement of the Personnel Commission in the selection and screening of job applicants, as well as the training requirements of the Personnel Commission; and
- WHEREAS,** the Personnel Policy and Procedures Section V governs employee relations, and references the role of the Personnel Commission in the employee grievance process; and
- WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and
- WHEREAS,** resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and
- WHEREAS,** the Oneida Business Committee created the Personnel Selection Committee on April 11, 2018, through resolution BC-04-11-18-B for the purpose of protecting against issues of nepotism and enforcing Oneida and Indian preference; and
- WHEREAS,** the emergency amendments to the Oneida Personnel Policies and Procedures replace any reference to the Personnel Commission which refer to actions affecting employees involving adverse employment actions for which a hearing is authorized with a reference to the Judiciary – Trial Court; and

**WHEREAS,** the emergency amendments to the Oneida Personnel Policies and Procedures replace any reference to the Personnel Commission which refer to actions involving hiring, including screening and interviews with a reference to the Personnel Selection Committee; and

**WHEREAS,** the Legislative Procedures Act 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,** the emergency adoption of these amendments to the Oneida Personnel Policies and Procedures are necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved in absence of the Personnel Commission; and

**WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation.

**NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Oneida Personnel Policies and Procedures are hereby adopted on an emergency basis and shall become effective immediately.

#### 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; 6 members were present at a meeting duly called, noticed and held on the 25<sup>th</sup> day of April, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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

**BC Resolution 04-25-18-F Oneida Judiciary  
Rules of Civil Procedure Emergency  
Amendments**



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 04-25-18-F

### Oneida Judiciary Rules of Civil Procedure Emergency Amendments

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Judiciary Rules of Civil Procedure ("the Law") was adopted by the Oneida Business Committee by resolution BC-04-25-14-A; and
- WHEREAS,** the Law governs all civil actions that fall under the jurisdiction of the Nation and provides a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Trial Court to have their disputes resolved; and
- WHEREAS,** the Law currently states that this Law shall apply to proceedings conducted by the Tribe's Personnel Commission, except where the personnel policies and procedures are more specific, then those shall supersede; and
- WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and
- WHEREAS,** resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and
- WHEREAS,** the emergency amendment to the Law; clarifies that the Law applies to proceedings regarding employee grievances, except where the Nation's Personnel Policies and Procedures are more specific, then those shall supersede and

**WHEREAS,** the Legislative Procedures Act 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,** the emergency adoption of this amendment to the Law is necessary for the preservation of the public health, safety, or general welfare of the reservation population to ensure that the general welfare and due process rights of employees is preserved; and

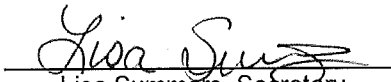
**WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation.

**NOW THEREFORE BE IT RESOLVED,** that the emergency amendment to the Oneida Judiciary Rules of Civil Procedure is hereby adopted on an emergency basis and shall become effective immediately.

#### 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; 6 members were present at a meeting duly called, noticed and held on the 25<sup>th</sup> day of April, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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

**BC Resolution 04-25-18-G Employee  
Protection Policy Emergency Amendments**

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 04-25-18-G Employee Protection Policy Emergency Amendments

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Employee Protection Policy ("the Policy") was adopted by the Oneida Business Committee on an emergency basis through resolution BC-04-20-95-B, and then on a permanent basis through resolution BC-12-06-95-B, and then amended by resolution BC-01-20-99-B, BC-06-30-04-J, and BC-02-25-15-C; and
- WHEREAS,** the Policy provides protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other detrimental effects; and
- WHEREAS,** the Policy currently states that the Personnel Commission is an appropriate agency to be delegated the authority to receive disclosures, and references the Personnel Commission's employee grievance and disciplinary action hearing authority; and
- WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and
- WHEREAS,** resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and
- WHEREAS,** the emergency amendments to the Policy replace any reference to the Personnel Commission with a reference to the Trial Court, and provides a definition for Trial Court; and

**WHEREAS,** the Legislative Procedures Act 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,** the emergency adoption of these amendments to the Policy are necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved in absence of the Personnel Commission; and

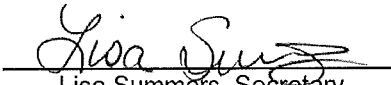
**WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation.

**NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Employee Protection Policy are hereby adopted on an emergency basis and shall become effective immediately.

#### 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; 6 members were present at a meeting duly called, noticed and held on the 25<sup>th</sup> day of April, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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

**BC Resolution 04-25-18-H Transition Plan for the  
Transfer of Hearing Authority from the Personnel  
Commission to the Judiciary – Trial Court**

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 04-25-18-H

### Transition Plan for the Transfer of Hearing Authority from the Personnel Commission to the Judiciary – Trial Court

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** this consolidation of hearing authority to the Judiciary is consistent with the General Tribal Council's previous actions of adopting a Judiciary law, approving amendments to the Constitution which adopted Article V, Judiciary, establishing "a judiciary to exercise the judicial authority of the Oneida Nation," and adopting resolution GTC-03-19-17-A which designated the Oneida Judiciary as the judiciary authorized pursuant to Article V of the Constitution; and
- WHEREAS,** resolution BC-04-11-18-A required the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting for consideration of adoption; and
- WHEREAS,** through resolutions BC-04-25-18-D, BC-04-25-18-E, BC-04-25-18-F, and BC-04-25-18-G, the Oneida Business Committee adopted emergency amendments to the Personnel Policies and Procedures, the Employee Protection Policy, the Military Service Employee Protection Policy, and the Oneida Judiciary Rules of Civil Procedures; and
- WHEREAS,** the emergency amendments to the above mentioned legislation replace any reference to the Personnel Commission which refer to actions affecting employees involving adverse employment actions for which a hearing is authorized with a reference to the Judiciary – Trial Court, thereby transferring the hearing authority to the Judiciary – Trial Court; and
- WHEREAS,** the Oneida Business Committee wanted to provide a plan for the process of transitioning cases from the Personnel Commission to the Judiciary – Trial Court.

**NOW THEREFORE BE IT RESOLVED**, that the Judiciary Trial Court shall utilize prior decisions of the Personnel Commission as precedent in its hearing and decision-making process and hearing procedures shall follow those set forth in the Rules of Civil Procedure. Provided that, in circumstances where the Personnel Policies and Procedures may conflict with the Rules of Civil Procedure, the deadlines in the Personnel Policies and Procedures shall govern.

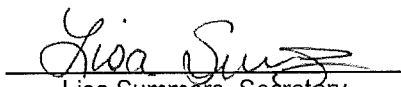
**NOW THEREFORE BE IT FURTHER RESOLVED**, the following processes shall be used to transfer matters to the Judiciary.

1. All active cases for which at least one hearing has been held are transferred to the Judiciary Trial Court effective immediately.
  - a. The employee shall, by close of business on May 11, 2018, file a notice with the Judiciary Trial Court stating either they wish to maintain the current hearing body or have their case assigned to a judicial officer of the Trial Court and the Trial Court shall begin the hearing from the beginning, or at the request of the employee, continue the existing hearing with the judicial officer replacing the hearing body.
  - b. In all circumstances, the Judiciary shall receive active case files and hearing records for active cases and begin management of the case.
2. All cases which have been accepted, but no hearing is yet been conducted or no hearing officers selected, shall be transferred to the Judiciary Trial Court and a judicial officer of the Trial Court assigned.
3. All cases which have been concluded and for which no appeal time remains, shall be transferred to the Records Management Department which will work with the Judiciary to assist in managing those records.
4. All matters filed, but for which no determination has been made regarding acceptance shall be immediately forwarded to the Judiciary Trial Court.

The Personnel Commission administration shall deliver a complete record of all decisions of the Personnel Commission to the Judiciary and a copy to Records Management Department.

#### 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; 6 members were present at a meeting duly called, noticed and held on the 25<sup>th</sup> day of April, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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