



COVID-19 Core Decision Making Team Declaration

Suspension of Annual Evaluations under Section V(B) of the Personnel Policies and Procedures Manual and SOP #1151, Performance Evaluation Tribal Work Standard for Fiscal Year 2020
July 17, 2020

The world is currently facing a pandemic of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other countries throughout the world, including the United States. The World Health Organization has identified that the spread of COVID-19 is now a pandemic resulting in many countries experiencing the effects of illness and health issues related to COVID-19 and economic impacts.

On March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19 which set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a COVID-19 Core Decision Making Team (COVID-19 Team). [3 O.C. 302.10]. When a public health emergency has been declared, the COVID-19 Team has the authority to declare exceptions to the Nation’s laws, policies, procedures, regulations, or standard operating procedures during the emergency period which will be of immediate impact for the purposes of protecting the health safety, and general welfare of the Nation’s community, members, and employees. [3 O.C. 302.10-2].

The Oneida Business Committee adopted the first extension resolution # BC-03-26-20-A, *Extension of March 12th Declaration of Public Health State of Emergency*, which extended the emergency period to May 12, 2020 at 11:59 p.m. This extends the enforcement of all Declarations issued by the COVID-19 Team.

The Oneida Business Committee adopted the second extension resolution # BC-05-06-20-A, *Extension of Declaration of Public Health State of Emergency Until June 11, 2020*, which extended the emergency period to June 11, 2020 at 11:59 p.m. This extends the enforcement of all Declarations issued by the COVID-19 Team.

The Oneida Business Committee adopted the third extension resolution # BC-06-10-20-A, *Extension of Declaration of Public Health State of Emergency Until July 12, 2020*, which extended the emergency period to July 12, 2020 at 11:59 p.m. This extends the enforcement of all Declarations issued by the COVID-19 Team.

The Oneida Business Committee adopted the fourth extension resolution # BC-07-08-20-A, *Extension of Declaration of Public Health State of Emergency Until August 11, 2020*, which extended the emergency period to August 11, 2020 at 11:59 p.m. This extends the enforcement of all Declarations issued by the COVID-19 Team.

The Oneida Nation's Personnel Policies and Procedures Manual (*Personnel Manual*) sets general processes for employment relations which are supported through Standard Operating Procedures and guided by laws. Section V of the Personnel Manual requires each employee to receive an annual evaluation.

B. EVALUATIONS

1. Evaluation reports will be used in determining all promotions, transfers and salary adjustments.
2. Annual evaluation reports for each employee will be submitted to the HRD Office by August 1 of each year.
 - a. Evaluation reports will be retained in each employee's personnel file.
3. All Oneida Nation employees will be evaluated at least once a year.
 - a. Employee performance evaluations will be conducted by each employee's immediate supervisor. The Business Committee will conduct the performance evaluation of the General Manager.
 - b. The supervisor will discuss the evaluation with each employee. The evaluation will then be signed by the employee and the supervisor and forwarded to the HRD Office.
4. Satisfactory evaluations may result in the employee receiving an increase in pay within their grade level provided that the employee has not attained the highest step within the grade.
 - a. Unsatisfactory evaluations will result in probation status for the employee. The supervisor shall provide documentation to the Area Manager and to the employee detailing the deficiency(s). A repeat evaluation will be conducted three (3) months after the unsatisfactory evaluation. This second evaluation will result in the employee:
 - 1) Being removed from probation and receiving a salary increase if the second evaluation results in an overall satisfactory rating; or
 - 2) Receiving appropriate disciplinary actions if the second evaluation also results in an unsatisfactory rating.
 - b. Employees may appeal unsatisfactory evaluations to the HRD Manager. The HRD Manager will consult with the supervisor and the employee to negotiate an appropriate resolution.

The COVID-19 Team has received a request to suspend annual employee performance evaluations during this pandemic. Employees have been subject to layoff, furlough, transfers, alternate working environments such as telecommuting, and additional public safety precautions for employment and family life. All these actions have increased employee anxiety and created a high stress environment which is not a normal working environment.

The Human Resources Department has identified that requiring annual evaluations during this time would simply cause additional stress on employees and would not accurately reflect employee performance.

The COVID-19 Team agrees that requiring annual evaluations for Fiscal Year 2020 would result in additional work for supervisors and add unnecessary stress to employees. Further, the Team agrees that there would be limited value in conducting performance evaluations while employees are on furlough or layoff during the Nation's financial stress resulting from the public closure of our gaming operation. Finally, the Team agrees that employees who have physically returned to work or who are telecommuting do not need the additional stress of conducting or being subject to annual evaluations as they continue to work to provide essential services to the Oneida Nation and the community.

The COVID-19 Core Decision Making Team declares that Section V(B) of the Personnel Policies and Procedures Manual regarding annual evaluations for Fiscal Year 2020, and the related Standard Operating Procedure # 1151, Performance Evaluation Tribal Work Standard, are suspended.

The COVID-19 Core Decision Making Team exempts direct reports to the Oneida Business Committee from this suspension.

This declaration shall be made effective immediately.



Oneida Nation Chairman