

# Oneida Appeals Commission

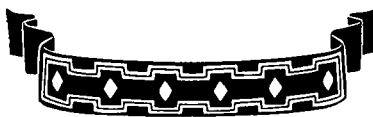
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## Trial Court

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ONEIDA GAMING COMMISSION,

Appellant

v.

Docket No. 03 TC 285

Date: September 28, 2004

LINDA DALLAS,

Respondent

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## ORDER

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This case has come before the Oneida Appeals Commission Trial Court. Judge Stephan Grochowski, Judge Kim Vele, and Honorable Lois Powless presiding.

### BACKGROUND

On June 28<sup>th</sup>, 2004, the Oneida Appeals Commission Appellate Court ruled, "The issue of back pay was remanded to the parties to deal with on a negotiated basis with the proviso that if they are unable to come to a satisfactory agreement within 15 days a hearing will be held to determine a fair award of back pay on July 15, 2004." The parties were not able to come a satisfactory agreement, therefore, the trial court is issuing a decision determining the fair award of back pay.

### ORDER

In accordance with the Oneida Appeals Commission Appellate Court's ruling, the Trial Court orders the Oneida Gaming Commission to pay Ms. Linda Dallas the appropriate back wages and benefits to which she is entitled.

First, The Oneida Gaming Commission shall pay Ms. Dallas her regular wage of \$16.83 per hour (Sixteen dollars and eighty-three cents) from April 3, 2003 to October 1, 2003. In addition, the Oneida Gaming Commission shall pay Ms. Dallas the appropriate hourly wage after factoring in

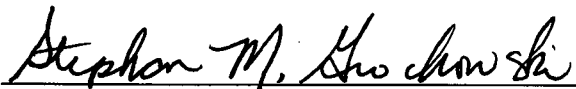
in the General Tribal Council mandated 20% (twenty percent) wage increase from October 2, 2003 until the date of her reinstatement. This court is aware that an administrative error occurred with the wage increase the Oneida Gaming Commission received, but that this has since been rectified. Accordingly, Ms. Dallas is entitled to the correct amount of wage increase and not the administrative error amount.

Second, Ms. Dallas is also entitled to all the benefits that she would have accrued had she remained employed with the Oneida Gaming Commission. Those benefits include, but are not necessarily limited to, accrued personal and vacation days, insurance premiums and 401k benefits and all other applicable benefits.

Third, Ms. Dallas shall not be required to sign any agreements limiting her ability to speak about this issue. She may only be required to sign a receipt of payment.

While this court sympathizes with Ms. Dallas' concerns about the Internal Revenue Service, we decline to address the federal tax issues. That is the jurisdiction of the federal Internal Revenue Service.

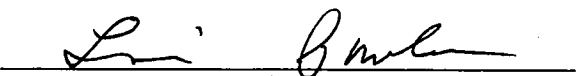
By the authority vested in the Oneida Appeals Commission pursuant to Resolution 8-19-91-A of the General Tribal Council, it is so held on this 28th day of September, 2004, in the matter of Oneida Gaming Commission vs. Linda Dallas. Docket No. 03-TC-285



Judge Stephan Grochowski, Judicial Officer



Judge Kim Vele, Judicial Officer



Lois Powless, Judicial Officer