

Oneida Appeals Commission

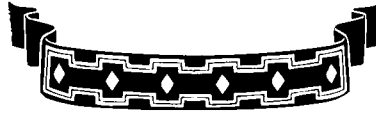
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Trial Court

Linda S. Dallas,
Petitioner

Vs

Oneida Gaming Commission,
Respondent

Docket No. 04-TC-058

Date: June 17, 2005

Motion for Clarification, Enforcement, Contempt, Penalties and Fines

This case comes before the Oneida Appeals Commission Trial Court. Judicial Officers Leland Wigg-Ninham, Lois Powless, and Jennifer Webster.

I. Background

The Petitioner submitted a motion for Contempt, Sanctions, Fines, and Enforcement against the Oneida Gaming Commission.

II. Issue

Does Respondent's motion have grounds for consideration?

III Analysis

The motion for Contempt, Sanctions, and Fines against the Oneida Gaming Commission are denied. The motion for Enforcement against the Oneida Gaming Commission shall be granted.

It is the responsibility of the Gaming Commission to contact the Law Office and inform the Law Office that a back pay settlement was ordered. It is the understanding of this hearing body that

once the Oneida Law Office receives that information, the Law Office is the responsible party for processing back pay awards in employment cases when the employee prevails. Once informed, a reasonable amount of time must be allowed for the Law Office to compile the necessary data for a Settlement Offer. In this instance, a Settlement Offer has not been proposed in a timely manner to Ms. Dallas. As of the date of this decision, this body is unaware of any proposed Settlement Offer.

The Petitioner claims that the settlement should have occurred within sixty (60) days of the final decision of the Oneida Appeals Commission. This court agrees with the Petitioner's claim for the following reasons; 1.) The Oneida Gaming Commission has provided this court with reasonable testimony and evidence that the Oneida Law Office is the party responsible for processing back pay awards. 2.) The Oneida Law Office has not exercised reasonable expediency in processing the Petitioner's back pay award.

IV. Decision

The Motion for clarification, contempt, penalties and fines are hereby dismissed. The motion for Enforcement for settlement is granted. This court hereby orders the Oneida Law Office to expedite the settlement offer to the Petitioner within five (5) days upon the receipt of this decision, or face contempt charges.