

# Oneida Appeals Commission

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## Trial Court

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In Re: The Matter of the Oneida Police Commission,  
Petitioner

Docket No. 05-TC-036

Date: June 6, 2005

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## Dismissal

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This case has come before the Oneida Appeals Commission. Judicial Officers, Janice L. McLester, Anita F. Barber and Jennifer Webster presiding.

### I Background

On March 29, 2005, the Oneida Police Commission filed a motion for declaratory ruling on the interpretation of Chapter 37, Law Enforcement Ordinance, and the application of Chapter 37 for the various employees of the Oneida Police Department and Oneida Security Department. The motion requested an interpretation on the following issues:

1. Does Chapter 37, Oneida Law Enforcement Ordinance, only apply to sworn law enforcement personnel within the Oneida Police Department?
2. Does Chapter 37, Oneida Law Enforcement Ordinance, regulate the conduct of all Oneida law enforcement personnel to include non-sworn personnel who work within the Oneida Police Department and the Oneida Security Department?

3. Does Chapter 37, Oneida Law Enforcement Ordinance, apply to security personnel who fall under the supervision, management and discipline of the Oneida Chief of Police?

A hearing for Declaratory Ruling had been scheduled for Tuesday, May 10, 2005. The Petitioner submitted a request for Extension. The Extension request is the result of the Oneida Police Commission, Attorney James P. O'Neil being called to active duty, thus leaving the Police Commission without representation. A Motion for Judicial Recusal of Judicial Officers Mary Adams and Winnifred Thomas was filed by the Oneida Gaming Commission.

On April 26, 2005, Response to Motion for Declaratory Ruling and request for dismissal was received from Attorney Peggy Schneider, on behalf of interested parties, Oneida Business Committee and Oneida Human Resources Department.

On May 9, 2005, the postponement and motion for recusal were granted. New Judicial officers were assigned.

On May 12, 2005, notification was received that Gerbers Law Offices had been retained to represent the Oneida Police Commission.

## **II Issues**

1. Does Chapter 37, Oneida Law Enforcement Ordinance, only apply to sworn law enforcement personnel within the Oneida Police Department?
2. Does Chapter 37, Oneida Law Enforcement Ordinance, regulate the conduct of all Oneida law enforcement personnel to include non-sworn personnel who work within the Oneida Police Department and the Oneida Security Department?
3. Does Chapter 37, Oneida Law Enforcement Ordinance, apply to security personnel who fall under the supervision, management and discipline of the Oneida Chief of Police?

### III Analysis

**1. Does Chapter 37, Oneida Law Enforcement Ordinance, only apply to sworn law enforcement personnel within the Oneida Police Department?**

This question has been answered in Oneida Appeals Commission Appellate Docket No. 04-AC-011 Oneida Police Department, Rick Cornelius v. Ronda Skenandore, pg. 6:

“The jurisdiction of the Oneida Police Commission only lies with cases involving sworn law enforcement officers per the Oneida Nation Law Enforcement Ordinance.”

**2. Does Chapter 37, Oneida Law Enforcement Ordinance, regulate the conduct of all Oneida law enforcement personnel to include non-sworn personnel who work within the Oneida Police Department and the Oneida Security Department?**

This question has been answered in the Oneida Appeals Commission Appellate Docket No. 04-AC-011 Oneida Police Department, Rick Cornelius v. Ronda Skenandore, pg. 6:

“that in cases regarding non-sworn personnel of the Oneida Police Department, the Oneida Personnel Policy and Procedure manual will be cited, with the Oneida Personnel Commission having jurisdiction in such cases”

**3. Does Chapter 37, Oneida Law Enforcement Ordinance, apply to security personnel who fall under the supervision, management and discipline of the Oneida Chief of Police?**

This question has been answered in the Oneida Appeals Commission Appellate Docket No. 04-AC-020 Oneida Police Department, Chief of Police, Rick Cornelius v. Owen Somers, pg. 2:

“The Oneida Police Commission is not the proper hearing body of internal security. Internal Security personnel are considered gaming employees and therefore are subject to the Oneida Personnel Policy and Procedures (Blue Book).”

Based upon the decisions cited in the above two cases, Oneida Police Department, Rick Cornelius v. Ronda Skenandore, Docket No. 04-AC-011 and Oneida Police Department, Chief of Police, Rick Cornelius v. Owen Somers, Docket No. 04-AC-020, this court finds that the

questions posed have been answered with clarity.

#### **IV Decision**

We dismiss the Motion for Declaratory Ruling as the questions have already been answered in the cases cited above.