

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 05-11-22-A Additional Emergency Amendments to the Oneida Personnel Policies and Procedures – Selection Policy

- 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 Personnel Policies and Procedures (“the Law”) sets forth the Nation’s various employment related policies and procedures; and
- WHEREAS,** Section III of the Law specifically governs the hiring selection policy for employment with the Nation; and
- WHEREAS,** on November 24, 2021, the Oneida Business Committee adopted emergency amendments to the Law through the adoption of resolution BC-11-24-21-A to improve the Nation’s hiring capacity and service delivery in the tight labor markets that have resulted from the COVID-19 pandemic; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, which was subsequently extended by the Oneida Business Committee until May 23, 2022, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F, BC-01-12-22-B, and BC-03-23-22-A; and
- WHEREAS,** the COVID-19 pandemic interrupted many business operations and had vast effects on employment throughout the country; and

- WHEREAS,** since the emergency amendments to the Law were adopted through resolution BC-11-24-21-A, it became clear that additional emergency amendments to the Oneida Personnel Policies and Procedures would be necessary to clarify inconsistencies that arose as a result of the last emergency amendments; and
- WHEREAS,** additional emergency amendments to the Law are being sought to maintain the current emergency amendments, and provide additional clarifications on the appeal rights and payout of accrued vacation/personal time of a terminated employee in their original probation period, to improve the Nation’s hiring capacity and service delivery in the tight labor markets that have resulted from the COVID-19 pandemic; and
- WHEREAS,** the emergency amendments to the Law will clarify that termination of an employee for cause during their original probationary period shall not be subject to appeal; and
- WHEREAS,** the emergency amendments to the Law will clarify that employees who are terminated during the original probation period shall not be paid for any unused accrued vacation or personal days in their final paycheck; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the adoption of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** the emergency adoption of amendments to this Law are necessary for the preservation of the general welfare of the Reservation population in order to continue to simplify the Nation’s hiring selection procedures so they are more effective so that the Nation can improve its hiring capacity and service delivery during increasingly tight labor markets that have resulted from the COVID-19 pandemic; and
- WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of the emergency amendments to this Law would be contrary to public interest and the process and requirements of the Legislative Procedures Act cannot be completed in time to allow the Nation the ability to adequately address its hiring selection procedures in the tight labor markets resulting from the COVID-19 pandemic; and
- WHEREAS,** adoption of emergency amendments to this Law would remain in effect for a period of six (6) months, renewable by the Oneida Business Committee for an additional six (6) month term; and

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

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the emergency amendments to the Oneida Personnel Policies and Procedures 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 11th day of May, 2022; 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 Liggins, Secretary
Oneida Business Committee

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