



ONEIDA NATION PERSONNEL POLICIES AND PROCEDURES MANUAL

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SECTION I – INTRODUCTION

Welcome to the Oneida Nation. We are pleased to have you join us as a partner on a team of individuals dedicated to providing quality service that enhances the quality of life of the Oneida community. The role you play in your position is important to the overall effort required by your department to meet the goals and objectives of the Oneida Nation. We encourage you to take advantage of the opportunities presented to you, as an employee, to grow and develop both personally and professionally.

The purpose of this "Employee Manual" is to provide you with a ready source of information about employee related Oneida Nation policies and procedures. Although we have tried to make this manual as comprehensive as possible; it does not, and cannot, include policies which address every situation that may arise. The Oneida Nation reserves the right to modify, alter, change, or cancel existing policies and procedures or adopt new procedures and policies at any time.

The policies and procedures set forth in this manual apply to all employees. As an employee of the Oneida Nation, you are required to know and abide by these policies and procedures. Oneida Nation departments may have specific and additional procedures enhancing the general policies stated in this manual. Each employee is expected to learn his/her department's procedures and comply with them. In the event of any conflict between policies in this manual and departmental procedure, the policies in this manual supersede. Each employee is also expected to conform to the professional standards of his/her occupation. Questions regarding this manual, or any employee related policies, should be directed to your supervisor, department head, or to the Human Resources Department at (920) 496-7900.

The Oneida Nation is proud to have you on our staff and we look forward to a fulfilling and successful team relationship.

SECTION II - RECRUITING

A. RECRUITING

1. Recruiting Strategy
 - a. The Oneida Nation shall implement a Recruiting Strategy to increase the potential for hiring the best-qualified and most capable employees possible.
 - 1) The Recruiting Strategy shall target, as the first priority, applicants in accordance with the Oneida and Indian Preference Policy.
 - 2) The Recruiting Strategy shall have a nationwide focus and will use:
 - a) The Kalihwisaks (national distribution);
 - b) The Oneida Higher Education Office's network of post-secondary school students;
 - c) Local and regional media and public employment agencies.
2. Applicant Pool
 - a. The Oneida Nation shall establish and maintain an Applicant Pool consisting of individuals who have expressed an interest in working for the Oneida Nation.
 - 1) The Applicant Pool will consist of files containing:
 - a) An Oneida Nation Application Form;
 - b) A summary of career goals and job preferences.
 - 2) The Applicant Pool will be regularly reviewed to:
 - a) Update individual files;
 - b) Remove files where indicated.
 - 3) The Applicant Pool will be cross-referenced by job preferences.
 - a) Notices of job vacancies and an Application Form will be sent to all Applicant Pool members as appropriate.
 - 4) All Applicant Pool members shall have the right to review and update their file upon request.
 - 5) Applicant Pool members shall be apprised of the Nation's Indian Preference Policy.

B. LABOR POOLS

1. Supervisors that wish to establish a job classification as a Labor Pool Position will work with the HRD to establish the job classification.
2. Each Labor Pool Position shall be advertised as on-going recruitment pool. The HRD shall maintain an updated list of qualified candidates for each Labor Pool Position.
3. The HRD will accept all job applications and verify that each applicant is qualified according to the established job description. All qualified applicants will then be placed in a pool according to the Nation's Oneida and Indian Preference Policy and the date the application was received. All applicants will be notified of acceptance into or rejection from the pool.
 - a. **PRESCREENING OF LABOR POOL POSITIONS** [\(HR Interpretation 11-13-12\)](#) Applicants who were previously employed by the Oneida Nation and were terminated for reasons of misconduct or performance issues will be screened out for a period of twelve (12) months following the date of discharge.
4. The HRD will keep an updated list of qualified applicants for each job position.
5. When a vacancy occurs in a Labor Pool Position, the supervisor will notify the HRD of the position to be filled. The HRD Office shall then refer the top three (3) applicants to the immediate supervisor. The top three applicants shall be based first on the Oneida and Indian Preference Policy and, second, the date an application was received. The immediate supervisor will notify the HRD of their selection and the HRD will then offer

the position to the applicant. After the position is filled, all ranked candidates will move up on the list. [\(HR Interpretation 7-11-13\)](#)

6. If the applicant refuses the position, the HRD Office will then offer it to the next applicant until the position is filled.
7. If the applicant refuses the job, the applicant may withdraw from the Labor Pool or, if he or she declines to withdraw from the Labor Pool, the date of refusal will be considered the date the application was received, and the applicant will be placed in the Labor Pool list according to B.3.
8. Indian (Oneida) Preference will be adhered to in all hiring decisions.

C. EMERGENCY/TEMPORARY POSITIONS

1. The HRD will periodically recruit individuals who are interested in filling temporary positions which consist of the following classifications:
 - a. Emergency/Temp
 - b. Limited Term
 - c. Seasonal
 - d. Substitute/Relief
 - e. Youth Worker
 - f. Student/Intern
2. Creation of Positions
 - a. Creation of positions in the above Temporary Employee Classifications will require that these positions be budgeted for the current fiscal year, or proof through documentation that the budget is adequate to incorporate these positions.
 - b. The positions must be developed in conjunction with the HRD; assuring that all Policies and Procedures are adhered to. Creation of temporary classification requires the approval of the Director, Area Manager, and HRD Manager, or elected official of the Oneida Nation.
 - c. All newly created temporary positions must be processed through the Wage and Salary system before a position can be filled with a temporary employee.
3. Recruitment/Selection
 - a. Recruitment/selection of applicants for all temporary positions requires a completed Temporary Personnel Requisition form with an updated job description attached.
 - b. The HRD will provide a list of qualified candidates according to the job descriptions to the immediate supervisor. The immediate supervisor will select from the approved list adhering to Indian Preference.
 - c. The HRD will contact the selected candidate and offer the position, following the proper procedures to put the incumbent on payroll.
 - d. The selected candidate will sign a statement accepting conditions of temporary employment, and length of employment where applicable.
 - e. Temporary employees will be paid within the Grade in which the job is classified, and salary will be negotiated within the first three (3) steps of respective grade.
 - 1) Any negotiated salary beyond step three will require written justification and approval from the respective General Manager. [\(H.R. Interpretation, 12-8-16\)](#)
 - f. Temporary employees are welcome to apply for any regular position within the Nation that becomes available during the term of their employment.
 - g. Temporary employees that are terminated due to documented cause will have the right to the appeal process as outlined in the Personnel Policies and Procedures.
 - h. All temporary employees are subject to lay-off based upon department job needs and budgets. [\(HR Interpretation – 11-25-13\)](#)

- i. Supervisors are required to do proficient planning within their respective span of control; as such they must also enforce separation dates and will be monitored by HRD for compliance.
 - j. Supervisors must select the most appropriate category of classification for the job.
 - 1) Moving from one classification to another is prohibited.
4. Benefits
- a. The following employee classifications will be eligible for benefits as defined in the section of the Personnel Policies and Procedures as medical, dental, vacation and personal accrual, holiday pay, premium pay.
 - 1) Limited Term
 - 2) Seasonal
 - b. The following employee classifications will be eligible for benefits as defined in this section of the Personnel Policies and Procedures as Mandatory Benefits and Holiday pay.
 - 1) Emergency/Temporary
 - 2) Substitute/Relief
 - 3) Seasonal Worker (only during their first season)
 - c. The following employee classifications will be eligible for benefits as defined in this section of the Personnel Policies and Procedures as Mandatory Benefits.
 - 1) Youth Worker
 - 2) Student/Intern

SECTION III – SELECTION POLICY

A. ONEIDA PREFERENCE AND INDIAN PREFERENCE STATEMENT OF POLICY

Federal policy since 1834 accords hiring preference to Indians. The purpose of this preference is threefold: 1) to give Indians a greater participation in self-government; 2) to further the Government's trust obligation; and 3) to increase the positive effect of having Indians administer matters that affect Indian tribal life. ([GTC Resolution – 5-23-11-A](#))

More recently, legislation such as the Civil Rights Act (1964) and the Education Amendments of 1972 (passed after the Equal Employment Opportunity Act) continued to specifically provide for preferential hiring of Indians by Indian Nations.

As an employer, the Nation seeks to employ individuals who possess the skills, abilities and background to meet the employment needs of the Nation.

As a sovereign Indian Nation and a unique cultural group, the Oneida Nation has determined that a highly desirable employment characteristic is knowledge of Oneida culture. Further, the Nation recognizes the unique, shared culture of Native American Indians and has determined that a desirable employment characteristic is status as a member or descendant of a federally recognized tribe. At a minimum, the Nation has determined that some knowledge of Indian culture is a desirable employment characteristic.

Accordingly, the Oneida Nation establishes the following policy in regard to Indian Preference for selecting employees to provide services that meet the needs of the Oneida people. This Indian Preference policy shall be specific to staffing decisions made under the Personnel Policies and Procedures and shall not be construed to have an application outside of these policies and procedures.

The Oneida Nation is an equal employment opportunity employer and follows non-discriminatory policies and procedures in personnel decisions. ([HR Interpretation 5-19-14](#)) The Oneida Nation exists to serve the needs of the Oneida people and therefore accords Oneida Preference to enrolled members of the Oneida Nation where such preference is not otherwise prohibited. All General Managers and top administrative positions, as defined by HRD in a standard operating procedure, shall be held by enrolled members of the Oneida Nation. In all other instances, the Nation applies the following priorities of Indian Preference in staffing decisions:

- 1 Enrolled members of the Oneida Nation;
- 2 Individuals eligible for enrollment in the Oneida Nation;
- 3 Documented first generation descendants of the Oneida Nation;
- 4 Members or descendants of a federally recognized tribe;
- 5 Other (non-Indian). ([HR Interpretation – 6-24-11](#))

This policy shall apply in decisions where the basic requirements for employment are met.

B. HIRING PROCEDURE

- 1 Statement of Policy
 - a. The Oneida Nation is an equal employment opportunity employer and follows nondiscriminatory policies in hiring.

- b. The Oneida Nation is a firm advocate of the 1964 Civil Rights Act (as amended) and the 1968 Indian Civil Rights Act (as amended) and will make every effort to ensure compliance with each Act; however:
 - c. The Oneida Nation follows the principles of Indian Preference in the implementation of hiring practices (see the Oneida Preference and Indian Preference Statement of Policy).
2. Hiring Guidelines
- a. All Supervisors of the Oneida Nation shall undergo periodic training in EEO and laws, rules, and regulations of the Nation.
 - b. Personnel Commission Role
 - 1) The Oneida Nation established the Personnel Commission to represent the Oneida Community-at-large in the selection of employees of the Nation.
 - a) The Personnel Commission is directed to:
 - i. Seek out the best-matched applicants for each available position;
 - ii. Consider only job-related factors (such as education, experience, past performance, skills and abilities, and compatibility with the position and potential co-workers) when selecting candidates; and
 - iii. Comply with the Oneida Personnel Commission Bylaws.
 - c. Identification of Vacancies and Development of Position Descriptions ([Work Standard, 11-16-11](#))
 - 1) Supervisors may inform the HRD Office of pending vacancies as soon as they are identified.
 - 2) For new and existing positions, the HRD Representative, the supervisor, and the Area Manager (at their option) shall review the position description to ensure compliance with:
 - a) The Nation's employment structure; and
 - b) The needs and requirements of the position.
 - 3) All position descriptions shall follow the outlined structure.
 - d. Applications
 - 1) All inquiries for position vacancies shall be responded to with an application.
 - 2) All applications shall be submitted online.
 - 3) All applications shall be acknowledged.
 - e. Advertising
 - 1) Position vacancies shall be advertised as widely as possible. Advertising efforts may include, but not be limited to the following:
 - a) The Kalihwisaks;
 - b) The Oneida Nation website;
 - c) Oneida Nation social media platforms;
 - d) Electronic communications or alerts;
 - e) Mailings;
 - f) Statewide, through print and electronic media and public employment agencies;
 - g) Through targeted recruiting efforts including:

- i. The Bureau of Indian Affairs;
 - ii. The Oneida Higher Education Office.
 - h) Other postings targeted toward special recruiting categories (such as professions) shall be carried out at the discretion of HRD with the advice and consent of the affected department.
 - 2) A position vacancy shall be posted for a minimum of seven (7) calendar days and shall be open to the general public, unless the position is required to be filled by an enrolled Oneida Nation member.
 - 3) All vacancies requiring re-posting shall be referred back to B-2.c (Identification of Vacancies and Development of Position description) to begin the re-posting process.
- f. Screening [\(HR Interpretation 11-16-12\)](#) [\(HR Interpretation 10-22-12\)](#)
- 1) Applicants who are enrolled members of the Oneida Nation shall be screened and interviewed prior to any other applicants. If the screening and interviewing of the applicants who are enrolled members of the Oneida Nation did not result in the position vacancy being filled, then all other applicants may be screened and interviewed.
 - 2) A Screening Committee consisting of the HRD Representative, the position supervisor, the Area Manager (at their option), and a member of the Personnel Commission shall be convened to conduct the screening of applicants. The Screening process shall begin as soon as practical following the closing of the position. The Screening Committee shall:
 - a) Verify that all applications were submitted on time.
 - b) Applications that are incomplete or were not submitted on or before the posted deadline date may be screened out.
 - c) Analyze the position description to establish screening criteria. These criteria shall include qualifications listed on the position description determined by the supervisor and HRD Representative to be essential to the position. [\(T.O.E. WS - 5-6-13\)](#)
 - d) Screen and identify a list of applicants to be interviewed.
 - e) Ensure there are no applicants ineligible for employment with the Nation due to termination or resignation in accordance with the applicable standard operating procedure developed by HRD.
 - 3) No person shall be recommended for a position if nepotism is created. Nepotism is created by the following relationships that are created by birth, marriage, or through another legally recognized means:
 - a) Spouse;
 - b) Child;
 - c) Parent;
 - d) Sibling;
 - e) Grandparent;
 - f) Great-grandparent;
 - g) Grandchild; and
 - h) Guardian.

- 4) No person shall be recommended for a position if a conflict of interest is created. Conflict of interest is defined as:
 - a) any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation.
 - b) any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party
- 5) The HRD Representative and supervisor shall construct an interview format consisting of:
 - a) A set of questions related to the screening criteria qualifications; and
 - b) An interview rating scale designed to objectively evaluate each applicant's qualifications.
- 6) The HRD Office shall arrange for interviews with the listed applicants.
- g. Applicant Interviews
 - 1) An Interview Committee shall be convened consisting of the members of the Screening Committee and a second member of the Personnel Commission. The Interview Committee shall interview applicants and evaluate each individually.
 - 2) No interview shall take place without an HRD Representative present.
 - 3) The HRD Representative shall total the evaluation rating scale to rank order of the applicants.
- h. Selection [\(HR Interpretation - Disqualification of Applicant 10-24-13\)](#)
 - 1) The supervisor shall select one of the top two (2) applicants as ranked through the rating scale. [\(HR Interpretation - 10-17-12\)](#)
 - a) The supervisor may conduct an additional follow-up interview with the top two (2) applicants.
 - b) The selection decision shall be governed by the Oneida Preference and Indian Preference Policy. [\(HR Interpretation - 6-6-11\)](#)
 - c) The HRD Office shall notify and offer the position to the selected applicant.
 - i. Should the supervisor's first choice refuse the offer, the HRD Office shall provide the supervisor with the next two (2) ranked applicants to choose from.
 - ii. Should the top two (2) chosen applicants refuse the position offer, the supervisor may:
 1. Repeat the hiring selection process outlined in B.2.h.1. above with the remaining candidates; or
 2. Re-post the position.

- 2) The HRD Office shall notify those applicants interviewed but not selected of the decision.
- C. INTERNAL POSITION POSTING - The Oneida Nation encourages movement within and among units in order to make the best possible use of human resources to meet the Oneida Nation's goals and objectives. Supervisors and employees are encouraged to work together to create an environment in which employees constantly strive to improve their skills and abilities and managers constantly seek to provide challenging and rewarding work experiences.
1. Procedure
 - a. Internal Position Posting
 - 1) Open positions as determined by a supervisor and their Area Manager may be posted internally for a position transfer for a minimum of five (5) working days.
 - 2) At the end of the five (5) day minimum internal posting period, the HRD Representative shall schedule a screening with the open position's supervisor and the Area Manager (at their option).
 - 3) Employees who are transferred shall not lose any benefits; however:
 - a) An employee may be required to continue serving in their present position until a replacement can be found, for a period up to thirty (30) days.
 - b) An employee who is transferred to a position lower on the Oneida Nation Position Structure shall be paid at the grade level corresponding to the new position.
 - c) Requests for transfers for documented medical conditions will be handled on a case-by-case basis and only when in the best interests of both the employee and the Nation.
 - d) The newly transferred employee shall be required to complete a three (3) month probation period. All conditions of the Nation's Original Probation Policy shall apply during that period.
 2. Reassignments
 - a. Title Reassignments
 - 1) Title Reassignments may be made by supervisors to:
 - a) More accurately describe or define an existing position; or
 - b) Make minor adjustments in positions within a unit or operating division.
 - 2) Title Reassignments may be made at any time with the approval of the Area Manager and HRD Representative.
 - b. Position Reassignments
 - 1) Position Reassignments may be made by supervisors to make more efficient and effective use of human resources.
 - 2) Position Reassignments may be supervisor-initiated or employee-initiated but must be made in the best interests of the operating unit.
 - 3) Position Reassignments may be made at any time with the approval of the Area Manager and HRD Manager.

c. Interim Position Reassignments.

- 1) Interim position reassignments may be processed to fill a position in which the previous employee is in the appeals process, on a leave of absence, or for a vacant position.

D. ORIGINAL PROBATION

The first three (3) months after an employee's starting date after being hired, transferred, or reassigned shall be considered a period of probation. At the end of six (6) weeks, the employee's performance shall be reviewed with them by the supervisor by completing an employee evaluation. At the end of the three-month probation period, a second performance evaluation shall be conducted. This evaluation shall recommend the end of probation and regular status for the employee, an extension of probation, or termination for cause.

1. Status as a Probationary Employee

- a. Probationary employees shall accrue vacation and personal days during the probation period and shall receive holiday pay.
- b. Probationary employees may be terminated for cause at any time during the probation period. Cause must consist of a violation of policies or the documented inability of the employee to perform the duties and responsibilities of the position.
- c. Termination of an employee for cause during their original probationary period shall not be subject to appeal.

SECTION IV - COMPENSATION AND BENEFITS

A. SALARY

1. Oneida Nation Job and Salary Structure
 - a. An ongoing plan will be instituted based on standard employee grades and step levels to assure that a uniform approach is taken to establish equitable salary and wage levels.
 - b. Employee performance evaluations will be a resource in determining whether an employee receives an increase in pay for the upcoming year. An overall satisfactory rating must be attained in order to be granted an increase in pay.
 - c. Merit increase shall be granted upon the recommendation of the supervisor, the Area Manager, the HRD Manager and the General Manager.
2. Workday [\(Work Standard, 10-17-12\)](#)
 - a. The regular Tribal workday is from 8:00 a.m. to 4:30 p.m. with an hour for lunch. The exception to these hours occurs only if the program/enterprise hours must vary for the purpose of providing service (such as retail hours beyond 4:30 p.m.). Shifts will be developed as needed, and the shift hours will then become the regular workday for assigned employees for that program/enterprise.
 - b. Employees are expected to be at work each scheduled work day.
 - 1) Employees who do not report for work because of inclement weather or unforeseen circumstances will not be paid for that day. Employees may elect to use personal day(s) to cover this absence. [\(Emergency Closures SOP - 2-16-21\)](#)
 - 2) In case of an unavoidable delay or absence, the supervisor must be notified no later than thirty (30) minutes after the scheduled starting time. Employees are encouraged to notify their supervisor before their scheduled starting time.
 - i. Employees failing to report to their assigned jobs or failing to call in within the thirty (30) minute time allowed will be subject to disciplinary action.
 - ii. Permission to leave early must be obtained by the employee from his/her supervisor.
3. Overtime
 - a. Any and all overtime will be kept to a minimum and must be approved by the Supervisor and Area Manager.
 - 1) In the case of potential overtime that may occur at night, on holidays or on weekends, supervisors will delegate this authority to a specific employee and outline specific situations and actions that warrant overtime.
 - b. All overtime must be reported to the supervisor for evaluation.
 - c. Overtime will be approved only if the program or enterprise budget is capable of paying it.
 - d. Overtime will be approved only for hours worked in excess of forty (40) hours per week. Personal/vacation days and holidays will not count toward the forty (40) hour requirements.
 - e. Tribal employees are expected to work overtime if required. Time and one-half will be paid for this overtime.

- f. Exempt employees are not eligible for overtime.
 - 1) The HRD Office will maintain a list of exempt employees.
- 4. Holidays ([Work Standard, 11-7-14](#))
 - a. Tribal holidays consist of the following:
 - 1) One-half Day Christmas Eve
 - 2) Christmas Day
 - 3) New Year's Day
 - 4) Memorial Day
 - 5) Veteran's Day
 - 6) Independence Day
 - 7) Labor Day
 - 8) Thanksgiving Day
 - 9) Indian Day (day after Thanksgiving)
 - 10) One-half day Good Friday
 - 11) Code Talker's Day (Oneida Day, Friday prior to Memorial Day)
([BC Resolution – 12-11-13A](#))
 - b. To be eligible for a paid holiday, employees must work the preceding and following scheduled workdays (except for employees who are on a prescheduled work leave or an approved extended sick leave.) Employees who are granted a sick day directly prior to a holiday must certify that they were capable of working the holiday in order to qualify for a paid holiday.
 - c. All regular employees will be given holiday pay for the maximum pay of eight (8) hours per day.
 - d. Holidays falling on a Saturday will be observed the preceding Friday; holidays falling on a Sunday will be observed on the following Monday. ([2021 Holiday Observance Calendar](#))
([2022 Holiday Observance Calendar](#))
 - e. The Oneida Nation acknowledges its responsibility to make a reasonable accommodation to employees who wish time off to observe religious holidays. Requests for such time off will be granted where possible, based on the scheduling and staffing needs of affected departments. Employees wishing to take time off work for religious observances should inform their supervisor as early as possible. Employees may use personal time for such requests if eligible; otherwise, the time off will be treated as unpaid leave.
- 5. Vacation/Personal Days
 - a. Every Oneida Nation employee, except temporary employees, shall be allowed personal and vacation days with pay to the extent that personal days and vacation are accumulated.
 - b. The amount of personal and vacations days shall be determined by continuous service for the Nation. A "lay-off" from Oneida Nation employment shall not be considered an interruption in continuous service where the lay-off is in accordance with the Nation's Layoff Policy, nor shall a preapproved leave of absence.
([HR Interpretation, 3-6-12](#))

- c. Except as provided for in section g, the accrual of personal days shall be as follows:
(BC Resolution – 4-11-13-F)
 - 1) 0-3 years of service - 6 days per year;
 - 2) 4-7 years of service - 8 days per year;
 - 3) 8-14 years of service - 10 days per year;
 - 4) 15+ years of service - 12 days per year;
- d. Except as provided for in section g, the accrual of vacation days shall be as follows:
 - 1) 0-3 years of service - 12 days per year
 - 2) 4-7 years of service - 15 days per year;
 - 3) 8-15 years of service - 20 days per year;
 - 4) 15+ years of service - 25 days per year.
- e. Part-time employees accrue personal and vacation days for time actually worked at a ratio of a full-time employee.
- f. Service is defined as working for Programs/Enterprises which are contracted by the Nation or specifically sponsored by the Nation.
- g. Vacation and personal days shall be capped at 280 hrs. An employee shall cease to accrue vacation and personal hours when he or she has reached 280 total hours. Supervisors shall notify their employees when said employees have accumulated 200 total hours of vacation and personal time. (GTC Resolution, 7-2-12A)
 - 1) An employee may trade back accumulated vacation and personal hours in accordance with Section IV.A.5.n. below. (GTC Resolution, 5-23-11-B)
- h. Upon termination from Oneida Nation employment, employees will be paid for any unused personal and/or vacation days.
 - 1) Employees who have used the Oneida Nation-sponsored loan program will be required to honor the terms of the loan agreement.
 - 2) Employees who are terminated during their original probation period shall not be paid for any unused accrued vacation or personal days in their final paycheck.
- i. Personal Days can be used for any reason so long as the request is approved by the employee's supervisor at least twenty-four (24) hours in advance (unless the absence is due to illness or unforeseen circumstances).
 - 1) In the case of illness or unforeseen circumstance, the supervisor shall be notified no later than fifteen (15) minutes before the scheduled starting time.
 - 2) Programs and enterprises may institute stricter standards of notification. These standards will be submitted to and approved by the Personnel Department.
- j. An employee shall notify his/her supervisor of an intent to use personal days in the following ways:
 - 1) Three (3) to five (5) days - one (1) week advance notification
 - 2) Six (6) days or more - two (2) weeks advance notification.
- k. An employee shall notify his/her supervisor one (1) day in advance if he/she will take off one (1) or two (2) days of vacation. Programs and enterprises may institute stricter standards of notification.
 - 1) Three (3) to five (5) days of vacation require a one (1) week advance notification.
 - 2) Six (6) or more days of vacation require at least two (2) weeks advance notification.

- l. The burden shall be on the supervisor to show that a denial of a personal day or a vacation day is based upon interference with the business of the Nation.
- m. Personal or Vacation Days can be taken when an employee is on probation. [\(GTC Resolution 5-23-11-B, HR Interpretation 5-8-17\)](#)
- n. Trade-back for Cash - Each fiscal year, the Oneida Business Committee shall analyze fiscal conditions to determine whether employees may trade back personal and/or vacation hours for cash that fiscal year.
 - 1) If the Oneida Business Committee approves trade-back for cash, they shall also determine whether (i) and/or (ii) applies: [\(See Revision\)](#)
 - i. All employees will have the opportunity to trade-back hours one time that year.
 - 1. By August 15, each employee who has accumulated twenty-four (24) hours or more of vacation and/or personal days may opt to trade in his/her hours for cash.
 - 2. Employees will receive their trade back on or before September 30 of that year.
 - ii. Only those employees who are unable to utilize their personal and/or vacation time due to working conditions, such as a shortage in staffing, as determined by the HRD Manager or designee, will have the opportunity to trade back hours on a quarterly basis.
 - 1. Employees will receive their trade back within sixty (60) days after opting to trade back hours.
 - 2) When trade-back for cash is approved by the Oneida Business Committee, the following standards shall apply:
 - i. Employees must decide which status (vacation or personal or both) from which their trade back will be drawn.
 - ii. Employees may not trade for cash more than eighty (80) hours in one year. [\(GTC Resolution, 5-23-11-B\)](#)
- o. Additional Duties Compensation
- p. Travel Time Compensation [\(Work Standard, 3-20-13\)](#)

B. INSURANCES [\(see separate publication\)](#) for information on Oneida Nation Insurance plans.

C. RETIREMENT PLAN [\(See separate publication for information on Tribal Retirement Plan\)](#), [\(Separating Employees WS 5-6-13\)](#)

D. LEAVES

- 1. Meeting Attendance
 - a. Approval for attending any meetings inside normal working hours must be approved in advance by the employee's immediate supervisor. [\(BC Action, 5-16-89\)](#)
 - b. Employees who receive stipends or honoraria in excess of \$50.00 for attending meetings during working hours will forfeit the amount in excess of \$50.00 from their regular paycheck. Stipends for travel or per diem will not be deducted if accompanied by receipts for such expenses.

- c. Stipends or honoraria for intra-tribal meetings during normal working hours will result in the employee's paycheck being reduced by the full amount of the stipend.
- 2. Funeral Leave [\(Work Standard, 8-2-11\)](#)
 - a. All regular employees will be given a three (3) day leave without loss of pay for funeral services for immediate family. Immediate family includes:

Husband	Mother	Brother	Great-grandparent
Wife	Father	Sister	Great-grandchildren
Mother-in-law	Son	Grandparent	Spouse's great-grandparents
Father-in-law	Daughter	Grandchild	Spouse's grandparents
Daughter-in-law	Sister-in-law	Brother-in-law	
 - b. Three (3) day leave for other persons will be given only if the employee is responsible for making funeral arrangements, subject to prior approval of supervisor.
 - c. All other funeral leave will be limited to no more than one (1) day with pay subject to the notification and approval of the immediate supervisor. [\(Mgmt. Directive, 12-17-2009\)](#)
- 3. Leave of Absence [\(Work Standard, 6-10-14\)](#)
 - a. A leave of absence without pay may be granted to employees for a justifiable reason (including caring for a child, spouse, or parent with a serious health condition) and when in the best interest of the Nation.
 - 1) Leaves of absence will not exceed three (3) months.
 - i. All leaves of absence must be approved by the Supervisor, Area Manager, HRD Manager and General Manager. [\(HR Interpretation, 12-8-16\)](#)
 - ii. Requests must be documented and submitted to the supervisor with as much advance notice as possible.
 - iii. Disposition of requests will be made on the basis of staffing requirements.
 - 2) Upon returning, the employee will be reinstated in the former position with full status and benefits. Holiday, vacation, and sick leave will not be accrued during the leave of absence.
 - 3) No later than fifteen (15) working days prior to the expiration of the leave period the employee must give notice in writing of his/her intent to return to the position. Notice must be presented to the supervisor.
 - i. Failure to provide written notice will be interpreted to mean that the employee does not intend to return following the leave. The position will be posted and filled through the selection process. [\(HR Interpretation, 11-21-11\)](#)
- 4. Maternity Leave
 - a. Maternity leave will be granted for a period of six (6) weeks without pay.
 - 1) An employee may elect to cover any portion of this time by using accumulated sick days.
 - 2) Any maternity-related absences for longer than six (6) weeks must be taken as a medical leave of absence.
- 5. Military Leave
 - a. In addition to the following provisions, the Nation's Military Service Protection Act shall govern Military Leave.

- b. A Military Leave of Absence is afforded employees entering active duty without accumulation of holiday, vacation, or personal time during the period of leave. Any accumulated benefits prior to leave will be maintained for the employee.
 - c. Time off for inactive duty training, examinations to determine fitness for duty and funeral honors duty shall be afforded to employees without the accumulation or loss of holiday, vacation, or personal time. An employee will receive pay from the Nation for any hours work that the employee was required to miss due to reservist training.
 - 1) Any pay received for performing any of the above duties shall be deducted from the employee's pay. [\(GTC Resolution, 1-26-08A\)](#)
6. Jury Duty
- a. During a period of jury duty, an employee will receive pay from the Nation for any hours of work missed due to jury duty.
 - 1) Jury duty pay will be deducted from the employee's paycheck when determining the amount of pay
 - 2) No overtime will be allowed in determining employee pay while serving on jury duty.
7. Educational Leave [\(BC Action, 5-4-90\)](#)
- a. A leave of absence for education purposes will not exceed one (1) year.
8. Parent Policy Leave [\(BC Action, 3-2-94A\)](#) [\(Parental Leave Policy, 11-3-17\)](#)
- a. Employees who are parents, guardians, or those individuals specifically referred to as "immediate family" as defined in Section IV, page 6 of these Personnel Policies and Procedures which includes husband, wife, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, grandparent and grandchild may request to participate in their child(ren)'s educationally sanctioned events not to exceed four (4) hours per employee per month
 - 1) These four (4) hours shall not accumulate.
 - b. Approval to utilize the four (4) hours must be obtained from the supervisor.
 - 1) An employee shall request his/her supervisor to utilize this leave with a minimum of twenty-four (24) hours' notice.
 - 2) The Supervisor may request verification of
 - i. Guardianship of the child(ren) and/or
 - ii. The attendance of the employee at their child(ren)'s educationally sanctioned event.
 - c. The burden shall be on the supervisor to show that a denial of the Parent Policy Leave which is based upon interference with the business of the Nation.
 - d. This leave shall not be paid as overtime. The supervisor may have the option to use flex time to cover this time off to attend their child(ren)'s educationally sanctioned events.
 - e. All employees, except Emergency/Temporary, Youth Workers, Student Interns, and Seasonal Workers during their first season, and Substitute Reliefs are eligible to participate in this benefit.

SECTION V – EMPLOYEE RELATIONS

A. ORIENTATION POLICY

The Oneida Nation reflects the unique culture and character of our Nation. The Oneida Nation recognizes that this may present special problems and difficulties for a new employee. The Nation therefore provides an Orientation Program designed to ease the new employee's transition into a job and enable the new employee to become effective and productive as quickly as possible.

1. Orientation Program Outline
 - a. Overview
 - b. Tribal Government and Procedures
 - c. Key Policies and Procedures
 - d. Benefits
 - e. Safety, Health and Security
 - f. Departmental Orientation
2. Responsibilities
 - a. The HRD Office will administer the General Orientation Program
 - 1) The HRD Office will assist Divisions in administering Departmental Orientation Programs.
 - b. The HRD Office will develop and establish an Employee Mentor Program with each Division.
 - 1) Employee Mentors will be responsible for conducting the Departmental Orientation.
 - 2) Employee Mentors will assist new employees throughout their probation period as a source of references and referrals.
 - c. The HRD Office will annually review the General Orientation Program and each Departmental Orientation Program to:
 - 1) Evaluate the effectiveness of each Program,
 - 2) Modify programs as necessary.
 - 3) Requirements
 - a) The HRD Office will provide a copy of the Employee Policy and Procedures Manual to new employees before (if possible) the scheduled starting date.
 - b) The General Orientation Program will be completed in appropriate stages within the first month of the new employee's starting date.
 - i. The Departmental Orientation will be completed within the first week of the starting date.
 - c) The HRD Office will administer a NEW Employee Reporting Form to provide information for the purposes of maintaining a Nation-wide skills assessment inventory and a management succession plan.

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. ([Work Standard, 6-23-15](#))
 - 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. [\(HR Interpretation, 12-8-16\)](#)
- 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 [\(Work Standard, 12-8-16\)](#)

C. CAREER DEVELOPMENT

- 1. Oneida Nation employees are encouraged to develop their skills and abilities by pursuing education at a local educational institution. [\(BC Action, 9-9-92\)](#)
 - a. Oneida Nation employees must provide a general Career Development Plan to the supervisor listing the goals and objectives of the training and education to be undertaken.
- 2. Oneida Nation employees may be eligible for assistance for one (1) course per semester. The employee must attempt to arrange to take the class outside his/her normal working hours.
 - a. Where a class conflicts with the employee's work schedule, the needs of the Tribal unit take precedence; however, the supervisor shall attempt to accommodate the employee's request.
 - b. In no case shall the accommodation exceed actual class hours plus reasonable travel time.
 - c. Employees must obtain the approval of their immediate supervisor to take a course on work time.
- 3. The supervisor's approval and estimated cost must be submitted to the HRD Office, the Area Manager and the General Manager. [\(HR Interpretation, 12-8-16\)](#)
- 4. The cost of the books, tuition and fees for the course shall be paid by the Nation through funds budgeted in programs or through the Higher Education program.
 - a. Reimbursement for books, tuition and fees is contingent upon the employee receiving at least a C (2.0 on a 4.0-point scale).
 - b. Employees who receive less than the required grade point will be required to reimburse the program for whatever costs were incurred.

D. COMPLAINTS, DISCIPLINARY ACTIONS, AND GRIEVANCES

Disciplinary procedures provide a systematic process for handling problem employees. Disciplinary procedures serve to correct unacceptable behavior and to protect the Nation. Grievance procedures provide a systematic process for hearing and evaluating job related

disputes. Grievance procedures serve to protect employees from inconsistent and unfair treatment. In all cases of grievance and discipline, supervisors are enjoined to use common sense, discretion and judicious good sense to resolve complaints between employees, exercise disciplinary prerogatives, and handle grievances.

(HR Interpretation, 2-4-13) (HR Interpretation, 1-29-14)

1. Complaints

- a. Should an employee have a disagreement with another employee, he/she may lodge an informal (verbal) or formal (written) complaint with the employee's supervisor.
- b. The supervisor will investigate the complaint and attempt to resolve the disagreement.
- c. If the employee lodging the complaint is dissatisfied with the attempted resolution, he/she may ask the Area Manager to attempt a resolution.
- d. There is no further appeal of this process.

2. Disciplinary Actions

- a. Disciplinary actions will be initiated by an immediate supervisor for the purpose of correcting unacceptable work performance. The supervisor will always discuss the action with the employee being disciplined to ensure that the employee:
 - 1) Understands the reason for the disciplinary action;
 - 2) Understands the expected work performance in light of the disciplinary action;
 - 3) Understands the consequences of continued unacceptable behavior.
- b. A supervisor shall initiate disciplinary actions commensurate with the seriousness of the unsatisfactory performance. A supervisor must consider each disciplinary action in progressive order and justify a deviance from that recommended progression.
- c. The actions listed below are examples of unacceptable work performance and do not constitute a comprehensive or exhaustive list. The actions in parentheses are guidelines for a supervisor to use in administering disciplinary actions. (W = written warning; S = suspension; T = termination):
 - 1) Work Performance
 - a) Insubordination (including disobedience) or failure/refusal to carry out assignments or instructions. (W/S/T)
 - b) Loafing, loitering, sleeping, or engaging in personal business. (W/S/T)
 - c) Unauthorized disclosure of confidential information or records. (S/T)
 - d) Falsifying records or giving false information to departments and/or employees responsible for Recordkeeping. (S/T)
 - e) Failure to provide accurate and complete information where such information is required by an authorized person. (S/T)
 - f) Failure to comply with health, safety and sanitation requirements, rules and regulations. (W/S/T)
 - g) Negligence in the performance of assigned duties. (W/S/T)
 - 2) Attendance and Punctuality
 - a) Failure to report promptly and observe work schedules (such as starting time, quitting time, rest and meal breaks) without the specific approval of the supervisor. (W/S/T)
 - b) A pattern of unexcused or excessive absenteeism and/or tardiness. (W/S/T)
 - 3) Use of Property
 - a) Unauthorized or improper use of Oneida Nation property or equipment (for example, Oneida Nation vehicles, telephone, mail services, etc.) (W/S/T)

- b) Unauthorized possession, removal or willful destruction of Oneida Nation or another employee's property (including improper use of possession of uniforms, identification cards, badges, permits or weapons). (Willful destruction of property may subject the violator to applicable liability laws.) (T)
 - c) Unauthorized use, lending, borrowing, or duplicating of Oneida Nation keys. (T)
 - d) Unauthorized entry of Oneida Nation property, including unauthorized entry outside of assigned hours of work or entry into restricted areas without prior supervisory approval. (S/T)
 - e) Theft or property shall include theft, embezzlement, cheating, defrauding, pilfering, robbery, extortion, racketeering, swindling or any of these actions, or conspiracy to commit such actions with Oneida Nation employees or other persons against the Nation, its guests, employee, members, customers and/or clients while on or about Tribal premises. (S/T) [\(BC Action, 12-2-88\)](#)
- 4) Personal Actions and Appearance
- a) Threatening, attempting, or doing bodily harm to another person. (T)
 - b) Intimidating, interfering with, or using abusive language toward customers, clients, co-workers, or others. (S/T)
 - c) Making false or malicious statements concerning other employees, supervisors, or program heads. (W/S/T)
 - d) Use of alcohol or illegal controlled substances during work hours. (S/T) [\(GTC Resolution, 01-05-09A\)](#)
 - e) Reporting for work under the influence of alcohol or illegal controlled substances. (S/T) [\(GTC Resolution, 01-05-09A\)](#)
 - f) Failure to immediately report any work-related injuries to the immediate supervisor. (W/S)
 - g) Direct involvement in political campaigning during scheduled work hours. Violations include:
 - i. Use of Oneida Nation employment title in Oneida Nation campaign activities. (W/S/T)
 - 1. Political materials include leaflets, brochures, etc. which solicit support for candidates for office.
 - 2. Resolutions or petitions which propose that a political action be initiated.
 - 3. Leaflets, newsletters, or other written materials the purpose of which is to espouse political views or opinions.
 - h) The acceptance of gifts or gratuities for personal gain in the course of official duties. (Customers are allowed to tip Bingo workers, Oneida Tobacco Enterprise workers, and Museum Workers.) (W/S/T)
 - i) Inappropriate dress or personal hygiene which adversely affects the proper performance of duties or constitutes a health or safety hazard. (W/S)
 - j) Failure to exercise proper judgment. (W/S/T)
 - k) Failure to be courteous in dealing with fellow employees or the general public. (W/S/T)
 - l) Any of the following acts by employees: Arson, bribery, perjury, obstruction, or interference with an investigation authorized by the Oneida Nation. (S/T) [\(BC Action, 12-2-88\)](#)

- m) The use, possession, selling or purchasing of, or attempt to sell or purchase alcohol, and/or controlled substances on or about Oneida Nation premises. (S/T) [\(BC Action, 12-2-88\)](#)
 - n) Any violation of duly adopted Oneida Nation ordinances. (W/S/T) [\(BC Action, 12-2-88\)](#)
- 5) Sexual Harassment Policy
- It is the Oneida Nation's Policy that all employees have a right to work in an environment free of discrimination which includes freedom from harassment, more specifically sexual harassment. The Oneida Nation considers sexual harassment, in whatever form, in the workplace to be a serious violation of an individual's dignity and personal rights. In all matters, where complaint of sexual harassment is lodged against an employee, the Oneida Nation has a duty and obligation to conduct a thorough investigation using discretion, good judgment and the principles and practice of strict confidentiality. If sexual harassment has been committed, the progressive disciplinary process is as follows (W/S/T).

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submissions to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

- a) Sexual Harassment (W/S/T)
 - i. Procedure
 - a. Should an employee have a complaint, he/she should file a formal (written) complaint with the Human Resources Department.
 - b. The Human Resources Department is obligated to investigate the complaint which is to be held in the strictest confidence. This investigation shall be done within five (5) working days from receiving the formal written complaint.
 - c. After investigating the complaint and the Human Resources Department finds cause to take disciplinary action due to sexual harassment violation, the employee will be disciplined accordingly by their supervisor. This disciplinary action shall be initiated within five (5) working days from the date the supervisor receives the report from the Human Resource Department. [\(BC Actions, 7-16-93\)](#)
- 3. Accumulated Disciplinary Actions Warranting Termination [\(HR Interpretation, 1-29-14\)](#) (Provided that the Drug and Alcohol Free Workplace Policy shall govern disciplinary actions warranting termination for drug and alcohol related violations.) [\(GTC Resolution, 01-05-09A\)](#)
 - a. The accumulation of three (3) upheld warning notices within any twelve (12) month period. (T)
 - b. The accumulation of two (2) upheld suspensions within any twelve (12) month period. (T)
 - c. The accumulation of three (3) of any combination of upheld warning notices and/or upheld suspensions within any twelve (12) month period. (T)
- 4. Substance Abuse Disciplinary Procedure - Section was deleted. [\(GTC Resolution, 01-05-09-A\)](#)
[Click here](#) for Drug and Alcohol Free Workplace Policy.

5. Disciplinary Procedure ([Disciplinary Flowchart](#))

The following procedure shall be adhered to whenever disciplinary action is taken.

- a. Supervisor becomes aware of unsatisfactory work performance or violation.
 - 1) Supervisor investigates through a meeting with the employees and determines whether disciplinary action is warranted.
- b. If disciplinary action is warranted, within five (5) working days the supervisor will fill out the five (5) part disciplinary action form stating the behavior for which the action is being taken, the time and date of its occurrence, and the specific policy section under which action is being taken.
- c. The form will be discussed with the employee and a corrective action will be identified.
- d. The employee being disciplined will sign the form.
 - 1) Should an employee being disciplined refuse to discuss the action with his/her supervisor, the supervisor shall so note this, with date of refusal, on the form and distribute as in 5.e.
- e. Copies will be given to the employee, the HRD Manager, the supervisor, the Area Manager and General Manager within twenty-four (24) hours of the conference with the employee. ([HR Interpretation, 12-8-16](#))
- f. Should a disciplinary action result in the suspension or termination of an employee, the following guidelines shall apply:
 - 1) The supervisor shall consult with the HRD Manager to mutually determine the length of the suspension.
 - a) Suspensions will be limited to a maximum of three (3) weeks.
 - b) Suspension/terminations that are overturned in the appeal process shall result in the employee receiving back pay for the days he/she was suspended/terminated.

6. Grievance ([Grievance Flowchart](#))

An employee who receives a disciplinary action which he/she believes is unfair may grieve the action. The Grievance process (including appeals of disciplinary action) shall be conducted with utmost consideration for due process (within the time limits set forth herein) but will allow and account for recognized Tribal holidays and unforeseen circumstances (such as illnesses, deaths in the immediate family of principals, etc.). The HRD office will make every attempt to ensure that grievance procedures are concluded within forty-five (45) working days; however, extensions granted for reasonable unforeseen circumstances (as determined by the HRD Manager) may extend the process. The Grievance process will be governed by the following guidelines: ([HR Interpretation, 8-19-2011](#)) ([HR Interpretation, 1-29-2014](#))

- a. For all disciplinary actions, regardless of severity:
 - 1) The employee (petitioner) must file an appeal in writing.
 - a) The employee may seek the assistance of a spokesperson or advocate at any time after the disciplinary action has been issued in order to aid in the resolution of the grievance process.
 - b) The appeal must be filed with the Area Manager and the HRD Manager (or designee) within ten (10) working days from the day the employee receives the disciplinary action.
 - 2) The Area Manager, for all disciplinary action investigations, will have ten (10) working days from the receipt of the employee's appeal to complete the investigation. One extension of no more than five (5) working days may be

requested of and granted by the HRD Manager (or designee) at his or her discretion.

- 3) The Area Manager will do one of the following:
 - a) Uphold the disciplinary action; or
 - b) Modify the disciplinary action; or
 - c) Overturn the disciplinary action. If a suspension or termination is overturned, the employee (petitioner) shall be reinstated with full back pay.
 - 4) The Area Manager will file a decision with the employee and the HRD Manager (or designee) and will include a reason for the decision, an explanation of the decision and the action to be taken as a result of it.
- b. Filing a Complaint [\(BC Resolution, 3-18-19\)](#)
- 1) An employee may appeal the Area Manager's decision to the Oneida Personnel Commission by filing a complaint with the Human Resources Department on behalf of the Oneida Personnel Commission.
 - a) The employee shall file the appeal within ten (10) working days from the employee's receipt of the Area Manager's decision
 - 2) The Human Resources Department shall notify the Human Resources Department Manager of receipt of the appeal within one (1) business day of receipt of the appeal.
- c. Collection of Information
- 1) The Human Resources Department shall collect all information the Area Manager used in making the decision to uphold the disciplinary action.
- d. Review of the Complaint
- 1) The Human Resources Department shall provide the information obtained to the Oneida Personnel Commission members selected to serve as the hearing body for the complaint, and the Oneida Personnel Commissioners shall review all the information submitted by the Petitioner and the Human Resources Department to determine if one or both conditions exist;
 - a) The decision of the Area Manager is clearly against the weight of the evidence; and/or
 - b) Procedural irregularities were exhibited during the appeal process that were harmful to one of the parties to the grievance.
 - 2) If Oneida Personnel Commission members selected to serve as the hearing body for the complaint find one or both conditions exist, the Human Resources Department shall convene the Oneida Personnel Commission to hear the grievance.
 - 3) If the Oneida Personnel Commission members find that neither condition exists, the Oneida Personnel Commission will deny the appeal for a hearing and affirm the decision of the Area Manager.
- e. Convening a Hearing
- 1) The Human Resources Department shall schedule a time and location for the grievance hearing and shall confirm the participation of the Oneida Personnel Commission members selected to serve as the hearing body for the complaint.
 - 2) The Human Resources Department shall send notice of the hearing to the petitioner, respondent, and Oneida Personnel Commission members at least five (5) working days prior to the hearing date.
 - 3) The Human Resources Department shall provide copies of all information on the subject case upon which the disciplinary action was upheld to the members of the Oneida Personnel Commission at least two (2) working days prior to the appeal date.

- 4) The Human Resources Department shall allow the petitioner and respondent access to this information in the Human Resources Department Office at least two (2) days prior to the appeal date.
- f. Hearing Procedure
- 1) The order of presentation for the hearing shall be:
 - a) Petitioner's opening statement;
 - b) Respondent's opening statement;
 - c) The Petitioner's case;
 - d) The Respondent's case;
 - e) Petitioner's closing statement
 - f) Respondent's closing statement
 - 2) The petitioner shall have the right to be represented by an advocate, at his or her own expense. The respondent and/or area manager who is party to the grievance action shall have access to an advocate for consultation and/or representation. Should the petitioner engage outside professional legal representation, the respondent and/or area manager shall have access to the professional legal representation.
 - a) Should the petitioner and his or her representative both fail to appear for any scheduled hearing without justifiable cause, the decision of the Area Manager shall be upheld, and the grievance dismissed.
 - b) Should the respondent and his/her representative both fail to appear for any scheduled hearing without justifiable cause, the decision of the Area Manager shall be overturned.
 - 3) If new evidence which was previously unavailable is introduced at any point during the hearing process, the Oneida Personnel Commission hearing shall be suspended, and the case will be remanded to the Area Manager for reconsideration.
 - a) The Area Manager shall reconsider the decision in light of the new evidence and issue a decision within three (3) working days.
 - b) This procedure may be invoked only once.
 - c) Thereafter, the appeal process shall continue to a conclusion based on the information originally presented and the newly introduced evidence.
 - i. If the Area Manager overturns his or her decision, the case would not come back for a hearing.
 - ii. If the Area Manager affirms his or her decision, then the case will come back to the Oneida Personnel Commission to complete the hearing.
 - 4) The Oneida Personnel Commission's decision shall be based solely on the information presented to them before the appeal hearing, the record of the prior proceedings, and any new evidence if introduced appropriately.
 - 5) The Oneida Personnel Commission may:
 - a) Uphold the disciplinary action; or
 - b) Overturn the disciplinary action and:
 - i. Reinstatement of the employee (petitioner) with full back pay for any lost time; or
 - ii. Reinstatement of the employee (petitioner) without back pay.
 - 6) The Oneida Personnel Commission shall provide notification of the final decision within five (5) working days following the hearing. Notification of the final decision shall include:
 - a) The final decision;
 - b) The reason(s) for the final decision; and
 - c) The action to be taken as a result of the final decision.

- 7) The Human Resources Department shall keep records of the hearing, and provide copies of administrative advocacy rules, procedural rules, and timeline rules to interested parties.

SECTION VI – SAFETY AND HEALTH

A. POLICY

The personal safety and health of each employee, customer and client of the Oneida Nation is of primary importance. The prevention of injuries and illnesses is of such importance that it will take precedence over operating productivity whenever necessary.

The Oneida Nation will maintain a safety and health program conforming to the best practices available. To be successful, this program will work to develop the proper attitudes toward on- the-job injury and illness prevention on the part of supervisors and employees. This program will strive to develop a high level of cooperation in all safety and health matters between supervisors and employees and among employees.

The objective of this program is a safe and healthy environment that will reduce the number of job-related injuries and illnesses to an absolute minimum. The Nation's goal is zero accidents and illnesses.

B. PROCEDURES

The Oneida Nation Safety Committee will adopt and enforce through the Personnel Department procedures related to the education of the Nation's work force in matters of safety and health. These procedures will include all education and prevention activities, assessments and evaluations, and reporting.

SECTION VII – PROGRAM/ENTERPRISE RULES & REGULATIONS

- A. Enterprises and programs may establish internal rules and regulations to facilitate the administration of Oneida Nation Personnel Policies and Procedures.
 - 1. In no case will these internal rules and/or regulations conflict with or take the place of Oneida Nation Personnel Policies and Procedures.
 - 2. Enterprises and programs which establish internal rules and regulations will file a copy of the rules and regulations with the Personnel Department.

SECTION VIII – RECORDKEEPING

A. PERSONNEL OFFICE

1. Basic records to be retained include:
 - a. Reference Data
 - b. Job Descriptions
 - c. Resumes and Applications
 - d. Interview notes/selection information
 - e. Resignations
 - f. Employee tax exemption claims
 - g. Disciplinary action information
 - h. Performance evaluations
 - i. Insurance coverage/changes
 - j. Transfers
2. The Personnel Office shall keep and maintain a complete record of each employee throughout his/her term of employment.
 - a. Oneida Nation employees shall have access to their employment file.
 - b. Employment files kept by the Personnel Office shall be considered confidential information. Release of any information to a third party must have the consent of the employee in writing.

B. ACCOUNTING DEPARTMENT

1. Basic records to be retained include:
 - a. Attendance records
 - b. Employee Time Sheets
 - c. Earnings - in the form of computer printouts
 - d. Travel - in the form of complete travel authorization forms.
 - 1) Time sheets and travel reports shall be filled out by every employee for pay period, collected by the program head, and forwarded to the Department.
2. The Accounting Department shall retain all records for a period of seven (7) years. [\(BC Action, 10-14-09B\)](#)

SECTION IX – PRIVACY AND CONFIDENTIALITY OF EMPLOYEE RECORDS

The Human Resources Department of the Oneida Nation collects information from employees in order to make decisions regarding personnel actions including hiring, transfers and promotions, training, compensation and benefits, disciplinary actions, and other job opportunities. This information is maintained by the Human Resources Department in individual files for as long as the person is an employee of the Oneida Nation.

A. STATEMENT OF POLICY

As a general rule, the Oneida Nation considers all information contained in these files to be private and confidential. No information of any type shall be released to any person or agent of any organization without the written consent of the employee except under the conditions outlined herein.

B. EMPLOYEE ACCESS

In addition, the Oneida Nation recognizes that the information contained in each employee's file is personal and that the lives of its employees are subject to changes. Therefore, the Oneida Nation provides for employee access to his/her personnel file. Employees are allowed to review their file and submit a statement of amendment should their review uncover any inaccurate, obsolete, or irrelevant information. Should any information come into dispute, an employee's statement of dispute will be accessed into the file.

C. RELEASE OF INFORMATION TO THIRD PARTIES

The Oneida Nation is obligated by law to release certain information to outside parties. Such parties include the State of Wisconsin's Unemployment Compensation Department and its Workers Compensation Division and the United States Social Security Administration. Any additional information released to a third party by the Human Resources Department related to employee records shall consist of summary information and will not include any identifying personal information. (Such information may be total numbers of males and females in the workforce, mean, median and average age of the workforce, etc.)

The Oneida Nation will release personal information on employees when a request is accompanied by a written release signed by the employee. The Human Resources Department will make every effort to validate this request by contacting the employee. In no case shall the Oneida Nation release personal information from an employee's file without this consent.