

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Dawn Stevens,
Petitioner

v.

CASE NO: 22-EMP-008
DATE: November 16, 2022

Oneida Nation Main Casino,
Respondent

FINAL ORDER

This case came before the Oneida Trial Court, Honorable Layatalati Hill presiding.

BACKGROUND

The Petitioner filed an employee grievance complaint with the Oneida Judiciary Trial Court on August 30, 2022 to appeal the Area Manager's decision to uphold the supervisor's decision to suspend Petitioner for two days due to attendance and punctuality issues, including excessive absenteeism. The Petitioner seeks to overturn the suspension. Petitioner timely filed her complaint with the Court and sufficiently alleged the existence of one or both of the following conditions: a) the Area Manager's decision was clearly against the weight of the evidence, and/or b) procedural irregularities exhibited during the appeal process were harmful to the Petitioner. A pre-trial hearing was held on September 20, 2022. During the hearing, the Court issued a scheduling order. After the hearing, the parties agreed to try Peacemaking and the Court stayed the case pending the outcome of Peacemaking. On November 10, 2022, the peacemaker presented the Court with an agreement that was entered into by the parties.

FINDINGS

The Court finds as follows:

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was given to all those entitled to notice.

3. The Peacemaking Agreement is accepted and approved.
4. Any problems relating to the peacemaking agreement may be addressed through further peacemaking. Peacemaking may be arranged by contacting the clerk at (920) 496-7200.

ORDER

1. The Court reviewed the peacemaking agreement and the terms were incorporated into this order.
 - a. Respondent shall treat the incident on May 6, 2022, as an emergency and not a violation of the attendance and punctuality policy.
 - b. The May 6, 2022 incident shall be expunged from Petitioner's employment record, leaving her employment record with two incidents of incomplete days.
 - c. Respondent shall expunge the suspension issued to Petitioner on July 14, 2022 and compensate Petitioner in accordance with the Back-Pay Law for the days of July 15 and July 16, 2022.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council an order was signed on November 16, 2022.

[REDACTED]

Layatalati Hill, Chief Trial Court Judge

