

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Dawn Stevens,**  
**Petitioner**

v.

**CASE NO: 22-EMP-009**

**DATE: November 16, 2022**

**Oneida Nation Main Casino – Table Games**  
**Respondent**

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**FINAL ORDER**

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

**BACKGROUND**

Petitioner filed an employee grievance complaint on November 10, 2022 with the Oneida Judiciary Trial Court claiming she was wrongly suspended for attendance and punctuality violations of the Oneida Nation Personnel Policies and Procedures Manual (OPPP).

**ANALYSIS**

The OPPP allows an *employee* who receives a disciplinary action which he/she believes is unfair to grieve the action. (See *V.D.6.*). (*Emphasis added*). The grievance procedures are only applicable to employees. Here, Petitioner was an employee of the Oneida Nation Main Casino Table Games Department at the time she received her disciplinary action. However, before filing with this Court, Petitioner resigned from her position on November 4, 2022. Therefore, Petitioner, at the time she filed her complaint with the Court, was no longer an employee with the Oneida Nation subject to the OPPP. Because Petitioner was no longer employed with the Oneida Nation when her complaint was filed with the Trial Court and the separation from employment was a result of her resignation and not a termination, Petitioner's complaint must be dismissed.

**FINDINGS OF FACT**

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. Petitioner worked as a table games dealer for the Oneida Nation Main Casino.
4. Petitioner was issued a disciplinary action on September 22, 2022.
5. Petitioner's disciplinary action was timely upheld by the area manager on October 27, 2022.
6. Petitioner resigned from her position as a table games dealer on November 4, 2022.
7. Petitioner was no longer an employee of the Oneida Nation as of November 4, 2022.
8. On November 10, 2022, Petitioner appealed the area manager's decision by filing with this Court.

**PRINCIPLES OF LAW**

***Oneida Nation Personnel Policies and Procedures Manual***

***Section V.D.6 COMPLAINTS, DISCIPLINARY ACTIONS, AND GRIEVANCES***

An employee who receives a disciplinary action which he/she believes is unfair may grieve the action.

**ORDER**

Petitioner's employee grievance complaint is dismissed with prejudice.

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, this order was signed on November 16, 2022.

  
Layatalati Hill, Chief Trial Court Judge