

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 07-24-24-C Amendments to the Back Pay Law**

- 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 Back Pay law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-05-24-06-PP, and then amended through resolutions BC-06-23-10-F, BC-08-13-14-C, and BC-10-26-16-A; and
- WHEREAS,** the purpose of this Law is to set forth standards used in the reinstatement of an employee and the calculation of back pay for all employees of the Nation in accordance with the Nation’s law; and
- WHEREAS,** the amendments to the Law include a new section which provides for the reinstatement of employee who had involuntary separation overturned and addresses such issues as: the requirement to hold a position pending litigation, amending the position description or eliminating the position pending an employee appeal, and reinstatement to the position the employee was involuntarily separated from; and
- WHEREAS,** the amendments to the Law clarify that back pay calculations shall be made using the employee’s last wage in the position which they were terminated from; and
- WHEREAS,** the amendments to the Law clarify the circumstances in which an employee is not eligible to work, and therefore is not eligible for back pay; and
- WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Law Office, Gaming Employee Services, Human Resources Department, and the General Manager; and
- WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and
- WHEREAS,** the Legislative Operating Committee held two (2) public meetings on the proposed amendments to the Law; and

**WHEREAS,** a public meeting for the proposed amendments to this Law was held on December 13, 2022, with no individuals providing oral comments, and the public comment period for the amendments to this Law was held open until December 20, 2022, with one (1) submission of written comments received; and

**WHEREAS,** the Legislative Operating Committee reviewed and considered the public comments received on February 1, 2023, and any changes have been incorporated into this draft; and

**WHEREAS,** an additional public meeting for the proposed amendments to this Law was held on April 12, 2024, with one (1) individual providing oral comments, and the public comment period for the amendments to this Law was held open until April 19, 2024, with no written comments received; and

**WHEREAS,** the Legislative Operating Committee reviewed and considered the public comments received on June 11, 2024, and any changes have been incorporated into this draft; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments to the Back Pay law which shall become effective on August 7, 2024.

#### 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; 5 members were present at a meeting duly called, noticed and held on the 24<sup>th</sup> day of July 2024; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
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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."