

Oneida Nation

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Oneida, WI 54155

BC Resolution # 11-13-24-I Amendments to the Investigative Leave 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 Investigative Leave Policy (“the Law”) was adopted by the Oneida Business Committee through resolution BC-04-07-99-A, and amended by resolutions BC-08-13-14-D and BC-06-24-15-A; and
- WHEREAS,** the purpose of this Law is to set forth a process to address investigative leave for employees undergoing work-related investigations; and
- WHEREAS,** the amendments to the Law revise the title and references throughout the Law from “Investigative Leave Policy” to “Investigative Leave Law”; and
- WHEREAS,** the amendments to the Law clarify the level of severity that an alleged violation must reach in order to warrant an investigative leave and provides examples; and
- WHEREAS,** the amendments to the Law prevent undue financial harm to an employee placed on investigative leave; and
- WHEREAS,** the amendments to the Law eliminate unpaid status for the employee placed on investigative leave for up to forty-five (45) days; and
- WHEREAS,** the amendments to the Law balance the intention to prevent undue financial harm to an employee placed on investigative leave with the Nation’s fiscal responsibilities by shifting the employee to unpaid status when an investigation cannot be safely concluded within forty-five (45) days; and
- WHEREAS,** the amendments to the Law clarify that an employee may use their personal and vacation time if the investigative leave extends past forty-five (45) days; and
- WHEREAS,** the amendments to the Law provide that when an employee has used all of their personal and vacation time up all pay and benefits stop; and
- WHEREAS,** the amendments to the Law extend the authority to initiate an investigative leave to include the Executive Director of the Human Resource Department; and

- WHEREAS,** the amendments to the Law clarify that when there is no division director a supervisor must secure authorization from the person at the highest level in the chain of command under the Oneida Business Committee prior to placing an employee on investigative leave; and
- WHEREAS,** the amendments to the Law delegate the authority for designating the individual or agency responsible for completing the investigation to the Executive Director of the Human Resource Department and the supervisor, instead of the employee's supervisor and/or area manager; and
- WHEREAS,** the amendments to the Law delete the requirement that the Equal Employment Officer always conducts the investigation if the employee being investigated reports directly to the Oneida Business Committee and instead provide that they may also serve as a liaison to an investigating agency when that is more appropriate; and
- WHEREAS,** the amendments to the Law eliminate the option for a supervisor to place an employee in an alternate work assignment while on investigative leave; and
- WHEREAS,** the amendments to the Law expand the requirements that notice to the employee placed on investigative leave must contain.
- WHEREAS,** the amendments to the Law extend the issuance of the second notice to the employee placed on investigative leave from fifteen (15) days to thirty-five (35) days; and
- WHEREAS,** the amendments to the Law clarify the requirements that the second notice to the employee placed on investigative leave must contain.
- WHEREAS,** the amendments to the Law eliminate the requirement that a supervisor must conclude an investigation without waiting for the conclusion of a criminal or licensing matter; and
- WHEREAS,** the amendments to the Law eliminate the requirement that an investigative leave must close upon the passing of fifteen (15) days, plus a possible extension of fifteen (15) days, unless an outside agency is conducting the investigation and instead allow the decision makers to close an investigative leave when a reasonable determination based on verifiable facts can be made; and
- WHEREAS,** the amendments to the Law expedite investigations by adding a requirement that the supervisor, or the Equal Employment Officer (whichever is overseeing the investigation), provide the Executive Director of the Human Resource Department with weekly updates on the investigation; and
- WHEREAS,** the amendments to the Law provide the employee who was placed on investigative leave with a redacted copy of the investigative report when requested, instead of only providing the redacted report to an employee who files an appeal; and
- WHEREAS,** the amendments to the Law require the supervisor to provide written notice and justification to the Executive Director of the Human Resource Department if they choose not to follow the corrective action recommended by the investigator(s); and

- WHEREAS,** the amendments to the Law expand an employee's responsibilities when they are placed on an investigative leave to include the surrender of all property of the Nation, respond to any inquires within twenty-four (24) business hours, and not share anything related to the investigation on social media; and
- WHEREAS,** the amendments to the Law create the option for an exception to be made to the complete prohibition of the employee who is placed on investigative leave entering any public worksite; if, and only if, it is determined that access is necessary, safe, appropriate, and the specific conditions under which access may be allowed are provided for in the notice to the employee; and
- WHEREAS,** the amendments to the Law eliminate the provision that requires the supervisor to conclude an investigation within forty-eight (48) hours of receiving the investigative report when someone else is conducting the investigation; and
- WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Human Resources Department, Oneida Law Office, Gaming, 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 a public meeting on the proposed amendments to the Law on September 13, 2024, with no individuals providing oral comments, and the public comment period for the amendments to this Law was held open until September 20, 2024, with no submission of written comments received; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the amendments to the Investigative Leave Policy, now known as the Investigative Leave Law, which shall become effective on December 11, 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; 9 members were present at a meeting duly called, noticed and held on the 13th day of November, 2024; that the forgoing resolution was duly adopted at such meeting by a vote of 8 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."