

Oneida Nation

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Oneida, WI 54155

BC Resolution # 07-08-26-G

Activating the Personnel Commission - Transferring Cases, Scheduling Training, Support

- 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 Oneida Business Committee has approved the revised by-laws as directed by the General Tribal Council to set members of the Personnel Commission as elected, not appointed; and
- WHEREAS,** the 2026 General Election is scheduled, and the vacant positions are on the ballot which requires scheduling necessary training in hiring practices and administrative hearing practices as defined in the Personnel Commission by-laws prior to the newly elected members taking up hiring and hearing duties; and
- WHEREAS,** upon concluding the necessary training, a transition of cases from the Judiciary to the Personnel Commission will need to be put into place; and
- WHEREAS,** the training hiring processes of the Oneida Nation will be conducted by the Human Resources Department which will also manage the screening and interview schedule for the Personnel Commission; and
- WHEREAS,** the training for administrative hearing processes and decision-writing will be conducted by Legal Action of Wisconsin to avoid conflicts of interest with the Oneida Law Office, GTC Legal Resources Office and the Judiciary; and
- WHEREAS,** the Oneida Business Committee has reviewed prior transition plans regarding the transition from Oneida Appeals Commission to the Judiciary, resolution # GTC-01-07-13-B and the interim transition until the members of the Personnel Commission are elected and trained, the transition from the Judiciary to the Personnel Commission, resolution # BC-03-13-19-C, and
- WHEREAS,** to prepare for the Personnel Commission having a quorum, the Oneida Business Committee adopts the following updated transition plan; and

Activation of Personnel Commission Authority

NOW THEREFORE BE IT RESOLVED, this resolution shall supersede resolution # BC-03-13-19-C.

BE IT FURTHER RESOLVED, the Personnel Commission shall become effective when a quorum of members has taken the oath of office and obtained the hiring or administrative hearing training, or both, as identified in section 1-7 of the Personnel Commission's by-laws and files notice of completion of training with the Tribal Secretary. The Tribal Secretary shall notify the Human Resources Department and/or Judiciary that the transition of responsibilities back to the Personnel Commission shall commence on the date five business days after the Tribal Secretary receives the Personnel Commission notification.

BE IT FURTHER RESOLVED, that the terms of the initial set of elected Personnel Commissioners shall be identified by assigning the following terms to the vacancies as identified in section 1-5(b) of the Personnel Commission by-laws as set forth below.

(b) *Election*. Each member shall be elected to serve a five (5) year term. The elected member with the highest number of votes shall receive a five (5) year term, the second highest number of votes a four (4) year term, the third highest number of votes a three (3) year term, the fourth highest number of votes a two (2) year term, and the fifth highest number of votes a one (1) year term. Thereafter, all positions shall be filled for a five (5) year term.

BE IT FURTHER RESOLVED, the Tribal Secretary shall post for five Pro Tem positions to sit on the Personnel Commission upon adoption of this resolution to identify additional resources in the event a five member Personnel Commission cannot meet the demand of screening/interviews and administrative hearings in a timely manner to be available on or after the Final Report for the 2026 General Election is received.

Support for Personnel Commission

BE IT FURTHER RESOLVED, the Judiciary – Trial Court, shall manage the hearing schedule and provide notice of the hearing schedules, be identified as the location to file all personnel grievance appeals, and manage filings of all court related materials, including the personnel records related to the grievance appeal.

BE IT FURTHER RESOLVED, the Chief Executive Officer, Human Resources Department, shall identify the support personnel to manage the screening and interviewing schedule of the Personnel Commission and provide notice of the screening and interviewing schedule to the assigned Personnel Commissioner.

BE IT FURTHER RESOLVED, the Government Administrative Office shall identify the support personnel to manage the meetings of the Personnel Commission, access to technology and meeting records.

Screening/Interview Training

BE IT FURTHER RESOLVED, the Chief Executive Officer, Human Resources Department shall assign personnel to conduct training regarding the Oneida Nation's Personnel Policies and Procedures and all laws, rules, and Standard Operating Procedures regarding the screening and interview process and training regarding the Nation's Equal Employment Opportunity policies in accordance with section 1-7(a)(1) of the Personnel Commission by-laws.

BE IT FURTHER RESOLVED, such training may be in-person or through on-line video sessions.

Administrative Hearing Training

BE IT FURTHER RESOLVED, Legal Action of Wisconsin has been engaged to provide the eight hours of training regarding administrative hearing processes and decision-writing as required in section 1-7(a)(2) of the Personnel Commission by-laws.

BE IT FURTHER RESOLVED, the training is scheduled to take place in-person on the dates of September 16, 2026 through September 18, 2026, with a six-month follow-up session scheduled in March 2027.

BE IT FURTHER RESOLVED, the Government Administration Office shall schedule such training after the election of a Personnel Commission member and that future training sessions may be in-person, on-line or by video.

Screening/Interview Transition

BE IT FURTHER RESOLVED, the Executive Director, Human Resources Department, shall provide to the Oneida Business Committee no later than the first Oneida Business Committee meeting in August, a report that identifies how, once notification of activation of the Personnel Commission has been received in accordance with Resolve #2 above, transition of the Personnel Commission into the screening and interview process shall occur and identification of the contact person identified to maintain the Personnel Commission calendar regarding screening and interview schedules.

BE IT FURTHER RESOLVED, the Chief Executive Officer, Human Resources Department, shall notify the Human Resources Department that screening and interviewing must include a Personnel Commission member as of the effective date set in Resolve #2 above once training has been completed.

Case Transition to Personnel Commission

BE IT FURTHER RESOLVED, once the Oneida Personnel Commission informs the Tribal Secretary that they are prepared to begin exercising hearing authority, the following transition process shall be used to transfer matters from the Judiciary – Trial Court back to the Oneida Personnel Commission including:

1. All active cases for which at least one hearing has been held are transferred to the Oneida Personnel Commission effective immediately.
 - a. The employee shall have ten (10) business days to file a notice with the Judiciary – Trial Court stating either they wish to maintain his or her case at the Judiciary - Trial Court or have their case assigned to the Oneida Personnel Commission and the Oneida Personnel Commission shall begin the hearing from the beginning, or at the request of the employee, continue the existing hearing with the Oneida Personnel Commission replacing the Judiciary - Trial Court.
 - b. In any case where an employee does not file a notice under subsection (a), the default shall be the case remaining with the Judiciary – Trial Court.
2. All cases which have been accepted, but no hearing has yet been conducted, shall be transferred to the Oneida Personnel Commission.
3. All matters filed, but for which no determination has been made regarding acceptance shall be immediately forwarded to the Oneida Personnel Commission.

BE IT FURTHER RESOLVED, the Oneida Personnel Commission shall use the following employment grievance process as provided for in the Oneida Personnel Policies and Procedures with the following clarifications identifying the Judiciary – Trial Court in the process:

1. Filing of a Complaint.
 - a. An employee may appeal the Area Manager's decision to the Oneida Personnel Commission by filing a complaint with the Judiciary – Trial Court.
 - i. The employee shall file the appeal within ten (10) working days from the employee's receipt of the Area Manager's decision.
 - b. The Judiciary – Trial Court shall notify the Human Resources Department Manager of receipt of the appeal within one (1) business day of receipt of the appeal.
2. Collection of Information.
 - a. The Human Resources Department shall collect all information the Area Manager used in making the decision to uphold the disciplinary action.

3. Review of the Complaint.

- a. The Human Resources Department shall provide the information obtained to the Judiciary – Trial Court, and the Oneida Personnel Commissioners assigned to the hearing body shall review all the information submitted by the Petitioner and the Human Resources Department to determine if one or both conditions exist:
 - i. The decision of the Area Manager is clearly against the weight of the evidence; and/or
 - ii. Procedural irregularities were exhibited during the appeal process that were harmful to one of the parties to the grievance.
- b. If Oneida Personnel Commission members selected to serve as the hearing body for the complaint finds one or both conditions exist, the Judiciary – Trial Court shall issue a hearing schedule and shall convene the Oneida Personnel Commission to hear the grievance.
- c. 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.

4. Convening a Hearing.

- a. The Judiciary – Trial Court 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.
- b. The Judiciary – Trial Court 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.
- c. The Judiciary – Trial Court 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.
- d. The Judiciary – Trial Court shall allow the petitioner and respondent access to this information at least two (2) days prior to the appeal hearing date.

5. Hearing Procedure.

- a. The order of presentation for the hearing shall be:
 - i. Petitioner's opening statement;
 - ii. Respondent's opening statement;
 - iii. The Petitioner's case;
 - iv. The Respondent's case;
 - v. Petitioner's closing statement
 - vi. Respondent's closing statement
- b. 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 professional legal representation.
 - i. 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.
 - ii. 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.

- c. 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.
 - i. The Area Manager shall reconsider the decision in light of the new evidence and issue a decision within three (3) working days.
 - ii. This procedure may be invoked only once.
 - iii. Thereafter, the appeal process shall continue to a conclusion based on the information originally presented and the newly introduced evidence.
 - 1. If the Area Manager overturns her or her decision, the case would not come back for a hearing.
 - 2. If the Area Manager affirms his or her decision, then the case will come back to the Oneida Personnel Commission to complete the hearing.
- d. 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.
- e. The Oneida Personnel Commission may:
 - i. Uphold the disciplinary action; or
 - ii. Overturn the disciplinary action and:
 - 1. Reinstate the employee (petitioner) with full back pay for any lost time; or
 - 2. Reinstate the employee (petitioner) without back pay.
- f. 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:
 - i. The final decision;
 - ii. The reason(s) for the final decision; and
 - iii. The action to be taken as a result of the final decision.
- g. The Judiciary – Trial Court shall keep records of the hearing, and provide copies of administrative advocacy rules, procedural rules, and time line rules to interested parties.

BE IT FINALLY RESOLVED, the Oneida Personnel Commission shall present a report at the Oneida Business Committee meeting on March 24, 2027, which reviews the status of the Commission, the time demands, and potential solutions regarding the number of members and recommended amendments to processes to improve the operations of the Personnel Commission.

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; 6 members were present at a meeting duly called, noticed and held on the 8th day of July, 2026; that the forgoing resolution was duly adopted at such meeting by a vote of 5 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."