

# Oneida Nation

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## **BC Resolution # 04-25-18-G Employee Protection Policy Emergency Amendments**

- 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 Employee Protection Policy (“the Policy”) was adopted by the Oneida Business Committee on an emergency basis through resolution BC-04-20-95-B, and then on a permanent basis through resolution BC-12-06-95-B, and then amended by resolution BC-01-20-99-B, BC-06-30-04-J, and BC-02-25-15-C; and
- WHEREAS,** the Policy provides protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other detrimental effects; and
- WHEREAS,** the Policy currently states that the Personnel Commission is an appropriate agency to be delegated the authority to receive disclosures, and references the Personnel Commission’s employee grievance and disciplinary action hearing authority; and
- WHEREAS,** the Oneida Business Committee dissolved the Personnel Commission on April 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment related grievance hearings into the Judiciary to increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** resolution BC-04-11-18-A requires the Legislative Operating Committee to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting; and
- WHEREAS,** resolution BC-04-11-18-A states that emergency action to amend legislation to change references to the Personnel Commission to reflect either the Judiciary – Trial Court or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides clear judicial hearing authority; and
- WHEREAS,** the emergency amendments to the Policy replace any reference to the Personnel Commission with a reference to the Trial Court, and provides a definition for Trial Court; and

**WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and

**WHEREAS,** the emergency adoption of these amendments to the Policy are necessary for the preservation of the public health, safety, or general welfare of the reservation population in order to ensure that the general welfare and due process rights of employees of the Nation are preserved in absence of the Personnel Commission; and

**WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation.

**NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Employee Protection Policy are hereby adopted on an emergency basis and shall become effective immediately.

#### **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 25<sup>th</sup> day of April, 2018; 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.

  
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Lisa Summers, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."