

Oneida Nation

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Oneida, WI 54155

BC Resolution # 03-13-19-C

Amending Resolution BC-09-26-18-F Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in Accordance with General Tribal Council's August 27, 2018 Directive

- 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 Personnel Selection Committee was created by the General Tribal Council to monitor the hiring process to protect against issues of nepotism, and to enforce Oneida and Indian preference; and
- WHEREAS,** in an effort to provide for a tribal employment system that is operated in an orderly and fair manner, the Oneida Business Committee re-designated the Personnel Selection Committee as the Oneida Personnel Commission through resolution BC-04-13-90-A; and
- WHEREAS,** resolution BC-04-13-90-A delegated the Oneida Personnel Commission the responsibility to generate personnel policies to be presented and recommended to the Oneida Business Committee for the Oneida Business Committee to review, take formal action to approve, disapprove, change and/or amend said personnel policy recommendations; and
- WHEREAS,** through resolution BC-05-12-93-J, the Oneida Business Committee, in conjunction with the Nation's Human Resources Department and the Oneida Personnel Commission, revised the Nation's Personnel Policies and Procedures to allow the Oneida Personnel Commission to serve as a grievance hearing body for employment matters; and
- WHEREAS,** the Oneida Personnel Commission then served the Oneida Nation as a hearing body for employee grievances, with appeals of those hearings authorized to be made to the Oneida Appeals Commission after its creation in 1991 by the General Tribal Council; and
- WHEREAS,** the Oneida Business Committee, through resolution BC-03-06-01-B, temporarily rescinded authority delegated to the Oneida Personnel Commission contained within the Oneida Personnel Policies and Procedures as it pertained to the role of the Oneida Personnel Commission as representatives of the community at large, the commissioners' responsibility to serve on the Screening Committee, the Interview Committee, the Personnel Screening Committee, and as the Grievance Hearing Body; and
- WHEREAS,** resolution BC-03-06-01-B required that the hiring process of the Nation continue without interruption under the auspices of the Human Resources Department, and that the Oneida

Appeal Commission be delegated the first level hearing body for employment related actions as referenced in the Oneida Personnel Policies and Procedures; and

WHEREAS, although the Oneida Personnel Commission served the Nation as a hearing body for employee grievances since the early 1990s, except for the period when the Oneida Personnel Commissions' authority was temporarily rescinded, the Nation has been moving towards consolidating all hearing responsibilities to the Oneida Nation Judiciary; and

WHEREAS, the Oneida General Tribal Council adopted the Judiciary law as the next step in formalizing the hearing authority of the Oneida Nation in an independent judicial body; and

WHEREAS, the membership approved amendments to the Constitution which adopted Article V, Judiciary, which established "a judiciary to exercise the judicial authority of the Oneida Nation"; and

WHEREAS, the Oneida General Tribal Council adopted resolution GTC-03-19-17-A which designated the Oneida Judiciary as the judiciary authorized pursuant to Article V of the Constitution; and

WHEREAS, the Oneida Business Committee has presented reports, and the General Tribal Council has accepted such reports, regarding the consolidation of administrative hearing and judicial hearing responsibilities in the Judiciary for the purpose of increasing consistency in hearing processes, efficiency, and reducing overall costs to the Nation; and

WHEREAS, the Oneida Business Committee notified the Judiciary of its intention to consolidate all judicial functions and the Judiciary identified that it is prepared to accept such responsibilities; and

WHEREAS, the Oneida Business Committee has adopted amendments to laws that transferred the hearing authority of the Environmental Resources Board and the Land Commission to the Judiciary; and

WHEREAS, the Oneida Business Committee determined it was appropriate to begin consolidating employment related grievance hearings into the Judiciary as the number of current cases in the Oneida Personnel Commission was low and the costs of maintaining judicial hearing authorities continues to increase; and

WHEREAS, the Oneida Business Committee dissolved the Oneida 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; and

WHEREAS, resolution BC-04-11-18-A required 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 for consideration of adoption; and

WHEREAS, resolution BC-04-11-18-A required that all personnel matters pending, scheduled, and for which timelines were running were hereby tolled until the emergency amendments could be brought forward by the Legislative Operating Committee regarding laws impacted by the dissolution of the Oneida Personnel Commission, with the tolling of time interpreted and applied in the best interests of the employee; and

- WHEREAS,** although the Oneida Personnel Commission was dissolved, the Oneida Business Committee recognized the valuable service the Personnel Selection Committee provided in its original form before being expanded to include hearing authority; and
- WHEREAS,** the Oneida Business Committee determined that the valuable service the Personnel Selection Committee provided remained necessary in the hiring process, and therefore recreating the Personnel Selection Committee was in the best interest of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee recreated the Personnel Selection Committee on April 11, 2018, through resolution BC-04-11-18-B; and
- WHEREAS,** resolution BC-04-11-18-B provided that bylaws for the Personnel Selection Committee be placed on the May 23, 2018 Oneida Business Committee meeting agenda, and that the Human Resources Department consider not scheduling screening or interviews until the Personnel Selection Committee is created and members are appointed, provided that, the Human Resources Department may schedule screening and interviewing where it would be unreasonable to delay or further delay that action; and
- WHEREAS,** the Oneida Business Committee approved the Personnel Selection Committee bylaws on May 23, 2018; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Military Service Employee Protection Policy, the Oneida Personnel Policies and Procedures, the Oneida Judiciary Rules of Civil Procedures, and the Employee Protection Policy on April 25, 2018, through resolutions BC-04-25-18-D, BC-04-25-18-E, BC-04-25-18-F, and BC-04-25-18-G; and
- WHEREAS,** the emergency amendments to the above mentioned laws replaced any reference to the Oneida Personnel Commission which referred to actions affecting employees involving adverse employment actions for which a hearing is authorized with a reference to the Judiciary – Trial Court, thereby transferring the hearing authority to the Judiciary – Trial Court; and
- WHEREAS,** the emergency amendments to the above mentioned laws replaced any reference to the Oneida Personnel Commission which referred to actions involving hiring, including screening and interviews, with a reference to the Personnel Selection Committee; and
- WHEREAS,** the Oneida Business Committee determined emergency adoption of the amendments to the Military Service Employee Protection Policy, the Oneida Personnel Policies and Procedures, the Oneida Judiciary Rules of Civil Procedures, and the Employee Protection Policy were necessary for the preservation of the public health, safety, or general welfare of the reservation population as required by the Legislative Procedures Act in order to ensure that the general welfare and due process rights of employees of the Nation were preserved in absence of the Oneida Personnel Commission; and
- WHEREAS,** the Oneida Business Committee adopted a plan for the process of transitioning cases from the Oneida Personnel Commission to the Judiciary – Trial Court through resolution BC-04-25-18-H;

WHEREAS, resolution BC-04-25-18-H required that the Judiciary Trial Court utilize prior decisions of the Oneida Personnel Commission as precedent in its hearing and decision-making process, and that hearing procedures shall follow those set forth in the Oneida Judiciary Rules of Civil Procedure, provided that, in circumstances where the Oneida Personnel Policies and Procedures conflict with the Oneida Judiciary Rules of Civil Procedure, the deadlines in the Oneida Personnel Policies and Procedures shall govern; and

WHEREAS, resolution BC-04-25-18-H set forth a process to be used to transfer matters to the Judiciary from the Oneida Personnel Commission including:

1. All active cases for which at least one hearing had been held was transferred to the Judiciary Trial Court effective immediately.
 - a. The employee had, by close of business on May 11, 2018, to file a notice with the Judiciary Trial Court stating either they wish to maintain the current hearing body or have their case assigned to a judicial officer of the Trial Court and the Trial Court shall begin the hearing from the beginning, or at the request of the employee, continue the existing hearing with the judicial officer replacing the hearing body.
 - b. In all circumstances, the Judiciary was required to receive active case files and hearing records for active cases and begin management of the case.
2. All cases which had been accepted, but no hearing had yet been conducted or no hearing officers selected, had been transferred to the Judiciary Trial Court and a judicial officer of the Trial Court was assigned.
3. All cases which had been concluded and for which no appeal time remains, were transferred to the Records Management Department which worked with the Judiciary to assist in managing those records.
4. All matters filed, but for which no determination has been made regarding acceptance was immediately forwarded to the Judiciary Trial Court.
5. The Oneida Personnel Commission administration was required to deliver a complete record of all decisions of the Oneida Personnel Commission to the Judiciary and a copy to Records Management Department; and

WHEREAS, on May 14, 2018, the Petition: G. Powless – Oneida Personnel Commission Dissolution was submitted to the Business Committee Support Office by Gina Powless and was verified by the Trust Enrollment Department; and

WHEREAS, the petition requested General Tribal Council “to address the actions of the Oneida Business Committee’s (OBC) Dissolving the Oneida Personnel Commission (OPC) by BC Resolution #04-11-18-A, BC Resolution #04-11-18-B. The OBC has intentionally violated their authority, they do not have the right to make a decision to dissolve the OPC which was created and approved by General Tribal Council (GTC). The only body that can dissolve the OPC is GTC. The OBC has abused their power and directly violated the Oneida Constitution, their Oath of Office, Oneida’s Code of Ethics, the Oneida Blue Book, to name a few. The OBC has deliberately undermined the authority of GTC. The OBC has cited in their BC resolutions that there is an emergency, yet have not cited any real emergency. The GTC hereby rescinds the action of the OBC, by rescinding BC Resolutions: 04-11-18-A, 04-11-18-B, 04-25-18-D, 04-25-18-E, 04-25-18-E, 04-25-18-F, 04-25-18-G, 04-25-18-H, placing the OPC back into the grievance and hiring practice, per the Oneida Blue Book, until GTC determines otherwise. Further, GTC takes corrective measures pertaining to the OBC, by suspending the OBC Members without pay that approved the mentioned Resolutions for a period of 90 days”; and

- WHEREAS,** the Oneida Business Committee accepted the verified Petition: G. Powless – Oneida Personnel Commission Dissolution on May 23, 2018, and directed that the petition be sent to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal, financial, legislative, and administrative analyses to be completed, and that a General Tribal Council Meeting be scheduled for this matter on August 27, 2018; and
- WHEREAS,** the Petition: G. Powless – Oneida Personnel Commission Dissolution was presented to the General Tribal Council on August 27, 2018; and
- WHEREAS,** the General Tribal Council adopted a motion to “rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the amendments related to the Blue Book from April 11, 2018 to today”; and
- WHEREAS,** the Oneida Business Committee held an emergency Oneida Business Committee Meeting on August 29, 2018, for the purpose of identifying the next steps to implement the August 27, 2018, GTC motion in an effort to implement the directives in a clear and timely transition protecting employee’s due process; and
- WHEREAS,** at the August 29, 2018, emergency Oneida Business Committee meeting the Oneida Business Committee adopted the transition steps outlined to implement the August 27, 2018, General Tribal Council action with two (2) noted additions: 1) under the "Judiciary" section, include a task for communication regarding the Indirect Contempt Order; and 2) under the "Business Committee" section, include a task to address the concerns regarding training; and
- WHEREAS,** the transition steps provided direction to the Legislative Operating Committee and the Legislative Reference Office, the Judiciary, the Treasurer and Finance Office, and the Oneida Business Committee on how to proceed with implementing General Tribal Council’s directive; and
- WHEREAS,** in recognition of the rescission of the dissolution of the Oneida Personnel Commission, on September 12, 2018, the Oneida Business Committee adopted a motion to terminate the appointments of the remaining members of the Oneida Personnel Commission: Carol Smith, Erik Krawczyk. Gary Smith, Gerald Decorah, Jason Martinez, Jennifer Hill, Patricia Powless, Pearl Webster, Sharon Alvarez, Stacey M. Nieto, Tina M Moore, and Yvonne Jourdan; and
- WHEREAS,** the Oneida Business Committee terminated the appointment of all Oneida Personnel Commission members under the authority granted by the Comprehensive Policy Governing Boards, Committees, and Commissions, and based the decision to terminate the appointments on the documentation submitted by members of the Oneida Personnel Commission, the decisions of the Judiciary, and the Oneida Business Committee’s findings before and after the dissolution of the Oneida Personnel Commission; and
- WHEREAS,** on September 12, 2018, the Oneida Business Committee adopted a motion which directed the Legislative Operating Committee to present the bylaws for the Oneida Personnel Commission at the next regular Oneida Business Committee meeting with updated qualifications to address the issue of understanding hearing authorities and responsibilities; and

WHEREAS, the Oneida Business Committee adopted a further motion to defer posting the vacancies for the Oneida Personnel Commission until the updated bylaws are presented and approved by the Oneida Business Committee; and

WHEREAS, since the adoption of Oneida Business Committee resolution BC-09-26-18-F the Oneida Business Committee has determined additional changes are needed to address which entity of the Nation shall assist the Oneida Personnel Commission with administrative duties related to the grievance process as authorized by the Oneida Personnel Policies and Procedures; and

WHEREAS, the Oneida Business Committee determined the delegation of responsibility to assist the Oneida Personnel Commission with administrative duties related to the grievance process should be amended from the Judiciary – Trial Court to the Nation's Human Resources Department.

Recognition of General Tribal Council's August 27, 2018 Directive

NOW THEREFORE BE IT RESOLVED, that this resolution formally recognizes for the record General Tribal Council's directive to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the related emergency amendments.

Rescission of the Dissolution of the Oneida Personnel Commission

NOW THEREFORE BE IT FURTHER RESOLVED, to recognize General Tribal Council's directive to rescind the dissolution of the Oneida Personnel Commission, resolution BC-04-11-18-A, which dissolved the Oneida Personnel Commission, is hereby formally repealed and the Oneida Personnel Commission is formally reinstated.

NOW THEREFORE BE IT FURTHER RESOLVED, that resolution BC-04-25-18-H, which sets forth a process to be used to transfer matters to the Judiciary from the Oneida Personnel Commission, is hereby repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, the Oneida Business Committee requests the Human Resources Department consider not scheduling screening or interviews until a minimum number of members of the Oneida Personnel Commission can be appointed and sworn into office. Provided that, the Human Resources Department may schedule screening and interviewing where it would be unreasonable to delay or further delay that action and shall ensure that employment laws of the Oneida Nation are enforced in the selection process.

NOW THEREFORE BE IT FURTHER RESOLVED, once a minimum number of members of the Oneida Personnel Commission are appointed and sworn into office, the Human Resources Department shall provide administrative assistance to the Oneida Personnel Commission in regard to the hiring and selection of employees, which shall include, but is not limited to, scheduling pre-screens and interviews, and coordinating Oneida Personnel Commission members to conduct hiring and selection activities.

NOW THEREFORE BE IT FURTHER RESOLVED, in recognition of the time necessary to appoint members to the Oneida Personnel Commission and allow members to obtain the necessary required training, the Judiciary – Trial Court shall continue to hear employee grievance matters until the Oneida Personnel Commission is prepared to begin exercising hearing authority.

NOW THEREFORE BE IT FURTHER RESOLVED, the Judiciary – Trial Court shall develop and provide training and/or ensure training is provided to members of the Oneida Personnel Commission on hearing processes and procedures.

NOW THEREFORE BE IT FURTHER RESOLVED, the Oneida Personnel Commission shall be prepared to exercise hearing authority over employee grievance matters when the Oneida Personnel Commission informs the Oneida Business Committee that the minimum number of Oneida Personnel Commission members have been appointed and have obtained all required trainings.

NOW THEREFORE BE IT FURTHER RESOLVED, the Legislative Operating Committee shall provide updates on the progress of the Oneida Personnel Commission to the Oneida Business Committee on a bi-monthly basis, at the second Oneida Business Committee meeting of the month.

NOW THEREFORE BE IT FURTHER RESOLVED, the Nation's Human Resources Department shall draft an interpretation of Section V.D. of the Oneida Personnel Policies and Procedures which clarifies that in regard to employee grievance matters the term "Oneida Personnel Commission" shall be interpreted to mean the "Judiciary – Trial Court" until such time that the Oneida Personnel Commission informs the Oneida Business Committee that they are prepared to begin exercising hearing authority.

NOW THEREFORE BE IT FURTHER RESOLVED, once the Oneida Personnel Commission informs the Oneida Business Committee 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 all circumstances, the Oneida Personnel Commission shall receive active case files and hearing records for active cases and begin management of the case.
2. All cases which have been accepted, but no hearing has yet been conducted, shall be transferred to the Oneida Personnel Commission.
3. All cases which have been concluded and for which no appeal time remains, shall be transferred to the Records Management Department which will work with the Oneida Personnel Commission to assist in managing those records.
4. All matters filed, but for which no determination has been made regarding acceptance shall be immediately forwarded to the Oneida Personnel Commission.
5. The Judiciary's administration shall deliver a complete record of all decisions of the Judiciary – Trial Court to the Oneida Personnel Commission and a copy to Records Management Department.

NOW THEREFORE BE IT FURTHER RESOLVED, once the Oneida Personnel Commission begins exercising hearing authority, the Human Resources Department shall provide administrative support to the Oneida Personnel Commission in regard to employee grievance hearings, including, but not limited to, accepting filings on behalf of the Oneida Personnel Commission, scheduling hearings, coordinating Oneida Personnel Commission members to serve as the hearing body, and providing a hearing room.

NOW THEREFORE 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:

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 Human Resources Department on the behalf of the Oneida Personnel Commission.
 - 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 Human Resources Department 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 Oneida Personnel Commission members selected to serve as the hearing body for the complaint, and the Oneida Personnel Commissioners 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 Human Resources Department 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 Human Resources Department 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 Human Resources Department 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 Human Resources Department 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 Human Resources Department shall allow the petitioner and respondent access to this information in the Human Resources Department Office at least two (2) days prior to the appeal 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. Reinstatement of the employee (petitioner) with full back pay for any lost time; or
 - 2. Reinstatement of 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 Human Resources Department shall keep records of the hearing, and provide copies of administrative advocacy rules, procedural rules, and time line rules to interested parties.

Dissolution of the Personnel Selection Committee

NOW THEREFORE BE IT FURTHER RESOLVED, that resolution BC-04-11-18-B, which created the Personnel Selection Committee, is hereby repealed and the Personnel Selection Committee is hereby dissolved effective immediately.

NOW THEREFORE BE IT FURTHER RESOLVED, within five (5) business days of the adoption of this resolution the Oneida Business Committee shall provide the Personnel Selection Committee written notice of this dissolution.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Personnel Selection Committee shall have up to two (2) weeks from the date of the dissolution to close out any open business and forward all materials and records to the Business Committee Support Office for proper storage and disposal.

Rescission of the Emergency Amendments

NOW THEREFORE BE IT FURTHER RESOLVED, in recognition of General Tribal Council's directive to rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission, resolution BC-04-25-18-D, which adopted emergency amendments to the Military Service Employee Protection Policy, is hereby repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, the Military Service Employee Protection Policy adopted prior to the emergency amendments, through resolution BC-10-24-07-E, is hereby reinstated and effective immediately.

NOW THEREFORE BE IT FURTHER RESOLVED, in recognition of General Tribal Council's directive to rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission, resolution BC-04-25-18-E, which adopted emergency amendments to the Oneida Personnel Policies and Procedures, is hereby repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, the Oneida Personnel Policies and Procedures adopted prior to the emergency amendments, is hereby reinstated and effective immediately.

NOW THEREFORE BE IT FURTHER RESOLVED, in recognition of General Tribal Council's directive to rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission, resolution BC-04-25-18-F, which adopted emergency amendments to the Oneida Judiciary Rules of Civil Procedure, is hereby repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, the Oneida Judiciary Rules of Civil Procedure adopted prior to the emergency amendments, through resolution BC-04-24-14-A, is hereby reinstated and effective immediately.

NOW THEREFORE BE IT FURTHER RESOLVED, in recognition of General Tribal Council's directive to rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission, resolution BC-04-25-18-G, which adopted emergency amendments to the Employee Protection Policy, is hereby repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, the Employee Protection Policy adopted prior to the emergency amendments, through resolution BC-02-25-15-C, is hereby reinstated and effective immediately.

NOW THEREFORE BE IT FURTHER RESOLVED, the Legislative Reference Office shall update the Oneida Register to reflect the proper versions of the Military Service Employee Protection Policy, the Oneida Judiciary Rules of Civil Procedures, and the Employee Protection Policy.

NOW THEREFORE BE IT FURTHER RESOLVED, the Human Resources Department shall update all sources to reflect the proper version of the Oneida Personnel Policies and Procedures.

Future Consolidation of Hearing Authority to the Judiciary

NOW THEREFORE BE IT FURTHER RESOLVED, the Oneida Business Committee recognizes the importance of continuing to pursue the consolidation of all hearing authority to the Judiciary in the future, in order to properly recognize and implement the Judiciary's purpose of administering the judicial authorities and responsibilities of the Nation.

Amendment to Resolution BC-09-26-18-F

NOW THEREFORE BE IT FINALLY RESOLVED, adoption of this resolution will amend and supersede Oneida Business Committee resolution BC-09-26-18-F.

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 13th day of March, 2019; 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.



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."