

Oneida Nation

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Oneida, WI 54155

BC Resolution # 04-11-18-A

Dissolution of Personnel Commission, Tolling all Timelines in Personnel Related Matters, and Directing the Development of Emergency Amendments to Existing Laws

- 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 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, establishing "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 which will increase consistency in hearing processes, efficiency, and reduce overall costs to the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has notified the Judiciary of its intention to consolidate all judicial functions and the Judiciary has 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 Personnel Selection Committee was created by the General Tribal Council to monitor the hiring process to protect against issues of nepotism and enforcing Oneida and Indian preference, and was renamed the Personnel Commission by resolution # BC-04-13-90-A; and
- WHEREAS,** the Personnel Commission has served the Oneida Nation as a hearing body for employee grievances since 1990, and appeals of those hearings were authorized to be

made to the Oneida Appeals Commission with its creation in 1991 by the General Tribal Council; and

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

WHEREAS, the emergency action to amend legislation to amend references to the Personnel Commission to reflect either the Judiciary or the new Personnel Selection Committee is needed to contain expenditures which may go over budget, to provide standards in hearing processes, and provides a clear judicial hearing; and

WHEREAS, the Oneida Business Committee believes that action needs to be taken to create this consolidation to meet the deadlines for processing the General Tribal Council meeting scheduled May 12, 2018 at which the proposed Employment Law will be presented; and

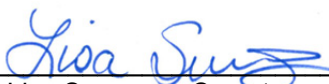
NOW THEREFORE BE IT RESOLVED, that the Personnel Commission is hereby dissolved and resolutions # BC-04-13-90-A and # BC-05-12-93-J and all subsequent actions is superseded.

BE IT FURTHER RESOLVED, all personnel matters pending, scheduled and for which timelines are running are hereby tolled until the emergency amendments can be brought forward by the Legislative Operating Committee regarding laws impacted by the dissolution of the Personnel Commission. This tolling of time shall be interpreted and applied in the best interests of the employee.

BE IT FINALLY RESOLVED, that the Legislative Operating Committee is directed to develop and present emergency legislative amendments to fully address the impact of this resolution to the next Oneida Business Committee meeting.

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 11th 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.



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."