

# Oneida Nation

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## **BC Resolution # 04-25-18-F**

### **Oneida Judiciary Rules of Civil Procedure 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 Oneida Judiciary Rules of Civil Procedure (“the Law”) was adopted by the Oneida Business Committee by resolution BC-04-25-14-A; and
- WHEREAS,** the Law governs all civil actions that fall under the jurisdiction of the Nation and provides a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Trial Court to have their disputes resolved; and
- WHEREAS,** the Law currently states that this Law shall apply to proceedings conducted by the Tribe’s Personnel Commission, except where the personnel policies and procedures are more specific, then those shall supersede; 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 amendment to the Law; clarifies that the Law applies to proceedings regarding employee grievances, except where the Nation’s Personnel Policies and Procedures are more specific, then those shall supersede 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 this amendment to the Law is necessary for the preservation of the public health, safety, or general welfare of the reservation population to ensure that the general welfare and due process rights of employees is preserved; 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 amendment to the Oneida Judiciary Rules of Civil Procedure is 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."