

Oneida Nation

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Oneida, WI 54155

BC Resolution # 02-12-19-B Whistleblower Protection Law

- 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 purpose of the Whistleblower Protection law (“the Law”) is to provide protection to employees of the Nation who give information that is intended to protect the Nation from fraud, theft, or other detrimental effects; and
- WHEREAS,** whistleblowing occurs when an employee discloses information that the employee reasonably believes provides evidence that protects the Nation from any adverse actions of its employees that may result in a detrimental effect to the Nation; and
- WHEREAS,** the Law protects an employee from any retaliatory action that results from making a disclosure of information; and
- WHEREAS,** an employee can make a disclosure of information through the use of the Nation’s anonymous Fraud hotline or submission of a written disclosure to the Nation’s Internal Audit Department; and
- WHEREAS,** the Internal Audit Department is granted the authority to review the disclosure and conduct an investigation and/or an internal audit into the disclosure, if deemed appropriate, in addition to requiring the Internal Audit Department to report their findings to an appropriate entity for action to address the findings if necessary; and
- WHEREAS,** an employee who alleges retaliatory action has been threatened or taken based on the employee’s disclosure of information is allowed the opportunity to file a complaint for the retaliatory action in accordance with the grievance procedures provided in the Nation’s laws governing employment; and
- WHEREAS,** the Law protects the employee from retaliatory action if it is found that the employee made a disclosure of information, the individual alleged to have taken retaliatory action against the disclosing employee was aware or became aware the disclosing employee had disclosed information, and the action taken against the disclosing employee was retaliatory as a result of the disclosure of information; and
- WHEREAS,** enforcement for an individual who is found to have retaliated against an employee who made a disclosure of information is provided by this Law; and

WHEREAS, a public meeting on the proposed Law was held on December 3, 2018, in accordance with the Legislative Procedures Act, and the public comments were reviewed and accepted by the Legislative Operating Committee on December 19, 2018.

NOW THEREFORE BE IT RESOLVED, that the Whistleblower Protection law is hereby adopted and shall become effective on February 27, 2019.

BE IT FURTHER RESOLVED, that the Whistleblower Protection law hereby repeals and replaces the Nation's Employee Protection Policy which was adopted by emergency pursuant to BC-04-20-95-B, permanently adopted pursuant to BC-12-06-95-B and subsequently amended pursuant to BC-01-20-99-B, BC-06-30-04-J, and BC-02-25-15-C.

BE IT FINALLY RESOLVED, that any individual who has been granted protected status under the Employee Protection Policy shall maintain his or her protected status, but shall use the provisions found in section 211.5 of the Whistleblower Protection law for protection from retaliation.

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 12th day of February, 2019; 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."