

To: Oneida Personnel Commission

From: Whitney A. Wheelock
2742 Viking Drive #3D
Green Bay, WI 54304

Date: July 11, 2011

Subject: Retaliation Grievance of Disciplinary Action

I write to you today in accordance with the Oneida Employee Protection Policy Article V. 5-2.b: *Any employee who believes that retaliatory action is being taken against them may follow procedures set out below:b. If a disciplinary action, that employee may go directly to the Personnel Commission with their grievance.* On June 30, 2011 it was unanimously decided by the Oneida Personnel Commission hearing body that I, Whitney A. Wheelock, be granted an Interim Protective Order against my supervisor, Dale Frissell Hill. (Please see attachment A). As stated in Article I. 1-1 of the Employee Protection Policy: *The purpose of this policy is to give protection to employees who give information that is intended to protect the Oneida Nation, or its agencies from fraud, theft or other detrimental effects.* However, after discovering my disclosures against him my supervisor, Dale Frissell Hill, terminated me on Friday July 1, 2011 at 3:30 P.M. (Please see attachment B). Please notice how Mr. Hill's statements are in all caps, which shows me this was written in anger. If you notice in the other attachments written by Mr. Hill he does not use all caps when making other statements. Mr. Hill's grounds for my termination are based on the following three (3) alleged policy violations: V.D.2.II.B. Attendance and Punctuality, V.D.2.IV.C. Personal Actions and Appearance, and V.D.2.1.A. Work Performance. Please note that policy V.D.2.1.A Work Performance does not exist in the Personnel Policies and Procedures; however, Policy V.D.2.I.A. Work Performance does exist. This is a typo on Mr. Hill's part where I received corrective action for a policy that does not exist; therefore, the above mentioned violation should be removed from my record.

Background

On 06/28/2011 I questioned my Area Manager, Shane John, on the amount of overtime the O.R.E.E.P., (Oneida Rental Energy Efficiency Program) department has used the previous week. He was unaware of O.R.E.E.P.'s abuse of overtime. Policy IV.3.A. states: *Any and all overtime will be kept to a minimum and must be approved by the supervisor and Area Manager.* For the payroll report with week ending 06/25/2011 O.R.E.E.P had a total of 39.25 hours of overtime. (Please see attachment C). The O.R.E.E.P. department is overseen by Mr. John where Mr. Hill directly supervises all of the O.R.E.E.P employees as the Project Manager, self-included. As the Administrative Assistant II for the O.R.E.E.P. department I handle all payroll reports and submit them to the accountant in charge of pay roll, Cindy Kohl. After I verbally reported this information to Mr. John I received a text message from Mr. Hill on 06/29/2011 stating "Make sure u adjust ur hours to avoid ot." (Please see attachment D). Immediately I knew Mr. John must have had a discussion with Mr. Hill regarding the abuse of overtime O.R.E.E.P. has had. The amount of overtime I personally receive has never been an issue as there are a number of responsibilities that are not disclosed on my job description that I must

complete weekly. Therefore, after receiving this text message from Mr. Hill I questioned his decision and I received the following as his reply, *"I have to justify ot when I record it in kronos but u really don't need to work ot u can always leave when u hit 40 and take care of it the next week. Plus I noticed this morning u come in evenings and weekends and I didn't realize it. You cant be there unless I schedule work or approve ot and I never did. Its cool that u did it but u need my approval to work past 40 hours or to come in outside of ur normal work schedule Monday thru fri 8-430."* I found Mr. Hill's response to be highly threatening and out of character as overtime and/or the hours I work have NEVER been an issue. Under Mr. Hill's supervision I have worked a total of 79.25 hours of overtime and I have only worked for the tribe since 04/11/2010. (Please see attachment E). I feel my disclosure to Mr. John of the abuse of overtime on the part of Mr. Hill was the beginning of the retaliatory actions to be taken against me. Mr. Hill knew I made the disclosure to Mr. John as I am the only other individual who would have excess to O.R.E.E.P.'s hours other than Cindy Kohl or Mr. Hill himself; however, that weeks' pay roll report was not yet submitted to Mrs. Kohl, leavening me as the sole source for the information. For this sole purpose alone I felt the need to file for a protective order under the Oneida Employee Protection Policy. Before I disclosed any further information to protect the Oneida Nation I felt I first needed to protect myself from any further retaliatory actions. I would like to take this opportunity to thank the personnel commission for the protective order they granted me.

Termination

This termination is the result of retaliatory actions as a result of my original request for Employee Protection which was granted on 06/30/2011. On 06/29/2011 I received an email from Mr. Hill which stated he wanted to meet with me the following morning at 9:00 am. (Please see attachment F). In preparation of more retaliatory actions I contacted H.R.D. PRO Matt Denny to gain guidance on how I should proceed. At approximately 8:25 am on 06/30/2011 as I was leaving my office fellow OHA employee Rosie Rothamer saw my document for employee protection on my desk. There is no way she could have seen the subject line of the document as the top half of the document was covered by another document on my desk. None the less, the body of the paragraph explains the subject of the document. I believe Mrs. Rothamer disclosed this information to Mr. Hill shortly thereafter. The relationship that Mr. Hill and Mrs. Rothamer have is nothing short of strange and unprofessional. I have not come across any hard evidence that proves this; however, all other signs say they are. I request that the Personnel Commission do a thorough investigation of the tribal email and tribal cell phone records between Mr. Hill and Mrs. Rothamer. I know there is evidence with in these unattainable records that would reveal the conflict of interest Mrs. Rothamer presents on the behalf of Mr. Hill.

The 9:00 am meeting on 06/30/2011 I had with Mr. Hill and the meeting that took place shortly after were both recorded at the request of Mr. Hill on his tribal cell phone. He stated at the beginning of the meeting he would record our conversation, later write it out, and then give me a copy. Since that point I have made several attempts at trying to obtain a copy of these meeting minutes; however, all attempts have been unsuccessful. At the 9:00 am meeting on 06/30/2011 Mr. Hill stated he was at HRD that morning and he knew I had called HRD earlier and was under the impression that I would be terminated. Mr. Hill continued to state that I have

nothing to worry about regarding a termination and began to question me about my assigned duties. Both meetings which quickly became an interrogation gained no momentum for either party involved, at which point Mr. Hill stated he would no longer proceed with my title reassignment for the additional duties I was bestowed. Attached please find the original EPQCF form Mr. Hill signed requesting a title reassignment for me. (Attachment G). I feel this is another type of retaliatory action on the part of Mr. Hill as part of my disclosure. At the end of our meeting Mr. Hill told me to return to work, which I did.

At this point I was not sure if I was granted employee protection so I contacted the Area Manager, Shane John, at 9:11 AM on 06/30/2011 and discussed these retaliatory issues with him. (Please see attachment H). He was unwilling to assist me in any way unless I were to put a statement in writing, which I was unwilling to do based on the previous retaliatory action I received due to my disclosure to Mr. John. Throughout the day Mr. Hill questioned me two other times in his office; however, these two conversations were unrecorded for reasons beyond my knowledge. The last meeting I had with Mr. Hill on 06/30/2011 was very disturbing as he questioned me about any statements I made against him. Between our third and fourth meeting that day Mr. Hill came in to my office and asked what I was working on. At the time I was going through my emails checking for a reply to a few messages I wrote earlier in the week. I could tell there was something else Mr. Hill wanted to say. He stood by my desk for a few moments and then started looking through some of the papers on my desk which is very out of character. He noticed a notebook I had on my desk which I was using to write down notes about the different meetings we had throughout the day and the different violation policies I noticed. Mr. Hill walked out of my office, turned around and warned me not to proceed and further with this. His exact words were, "*I strongly urge you not to go too far with this cuz you're not going to like the results.*" I felt rather threatened by this statement which is a direct violation of Policy V.D.2.IV.A. Personal Actions and Appearance: Threatening, attempting, or doing bodily harm to another person.

Violations

Despite the obvious retaliatory actions taken against me there were also several other violations of the Oneida Personnel Policies and Procedures Mr. Hill violated while plotting my demise. I will address each one below:

Policy Violation V.D.5.B. Disciplinary Procedure: *If disciplinary action is warranted, within five (5) working days the supervisor will fill out the five (5) part disciplinary action form stating the behavior for which the action is being taken, the time and date of its occurrence, and the specific policy section under which action is being taken.*

1. Mr. Hill became aware of my alleged violations on 06/23/2011 according to page three (3) of the Disciplinary Action Checklist. (Please see attachment I). In accordance with the five working day rule Mr. Hill should have took action by 06/30/2011.
2. My second alleged violation states: "*Whitney made false and malicious statements about his supervisor to an OHA employee and tried to get the employee to make a*

false statement against his supervisor; and called the contract services Manager at Home Depot and told her that the tribe was investigating me for embezzlement, and would she provide a statement to that effect. He also made several false accusations about me to her and tried to get her to substantiate his statement." (Please see attachment J). Mr. Hill's statement against me is false and in violation of the above mentioned policy. The policy requires the time and date of alleged violations to be documented on the five (5) part disciplinary action form. As you can clearly see no times, dates, or names are mentioned by Mr. Hill in his form. This information is needed to provide support/proof to his statement; therefore, without proof a violation of policy cannot be stated. As a side note, please notice the spelling and grammatical errors in Mr. Hill's statements which reveals to me his haste in completing this form.

3. Mr. Hill's third violation states: *"After being instructed to return to work after a 9:00 AM meeting, Whitney continued to conduct personal business during work hours. I warned him again that conducting personal investigations during work hours was not authorized by employees approximately two hours later, and he continued to do so after specifically being told to perform his duties twice in one morning."* (Please see attachment K). Once again Mr. Hill's statement against me is false and in violation of the above mentioned policy. The policy requires the time and date of alleged violations to be documented on the five (5) part disciplinary action form. As you can clearly see no date is mentioned by Mr. Hill in his statement. This information is needed to provide support/proof to his statement; therefore, without proof a violation of policy cannot be stated. At no time during my employment did I ever conduct an investigation of any type. I assume Mr. Hill is referring to 06/30/2011 as that is one of the few meetings we have had; however, that is NOT stated in his statement.
4. I contacted Matt Denny in HRD several times that day regarding all the issues I have been having. One of the questions I had for him was whether or not I am allowed to contact HRD regarding issues of this sort or work on grievances/complaints while on the clock. Mr. Denny told me "yes" I was able to proceed as it was work related as long as it did not conflict with my assigned duties. The only time I spent working on this case while on the clock was with the phone calls I made to Matt Denny. Mr. Hill also states that he warned me *"approximately two hours later,"* in his statement. First and foremost, Mr. Hill was not in the OHA building at that time and second I was in a meeting with Shane John in my office which lasted approximately forty-five (45) minutes. I contacted Mr. John at 10:41 AM on 06/30/2011 stating, *"Would u b able to stop by on ur way back from town so I can talk to you & work out some plan of action regarding all this?"* (Please see attachment L). Approximately fifteen minutes later Mr. John arrived at my office. During our meeting Mr. Hill did return to the OHA building and proceeded to his office which is next to mine; however, at no time did he make any contact with myself or Mr. John.
5. My first alleged policy violation states, *"Whitney demonstrated a pattern of tardiness (6/23/11 and 33 other incidents) from 1/3/11 through 6/30/11. No call no show on July 1, 2011;"* Even if this statement was true, action should have been taken when the behavior first appeared. Mr. Hill prints off O.R.E.E.P.'s Kronos time and

attendance time sheet every Tuesday at the latest as the report is needed the following day. This can be verified with Cindy Kohl at the Oneida Housing Authority. Within five (5) working days a supervisor must take action (see above policy) ; however, in the case five (5) months are between the alleged violation and the disciplinary action.

Policy Violation V.D.5.C. Disciplinary Procedure: *"The form will be discussed with the employee and a corrective action will be identified."*

1. At no time did my supervisor, Dale Frissell Hill, discuss the five (5) part disciplinary action form with me which is a violation of the above mentioned policy. In fact, the disciplinary action form and the corrective action on the form were already filled out and sitting on Mr. Hill's desk at approximately 3:15 PM on 07/01/2011 when I entered his office. Mr. Hill had premeditated my termination as the five (5) part disciplinary action form had been filled out since 8:00 AM that day. At the request of Mr. Hill, officer Dan House of the OPD was waiting to escort me out of the OHA building first thing on 07/01/2011. Dawn Delabreau, OHA Administrative Assistant I, can be contacted to verify this as she covers OHA's front desk.

Policy Violation V.D.2.I.D. Work Performance: *"Falsifying records or giving false information to departments and/or employees responsible for Record keeping."*

Policy Violation V.D.2.I.E. Work Performance: *"Failure to provide accurate and complete information where such information is required by an authorized person."*

Policy Violation V.D.2.IV. Personal Actions and Appearance: *"Making false or malicious statements concerning other employees, supervisors or program heads."*

1. In my first alleged violation Mr. Hill states, *"No call no show on July 1, 2011."* This malicious statement is 100% false and in violation of the above mentioned policies. I contacted Mr. Hill before my start time on 07/01/2011 via text message and stated, *"Im going to come in for the remaining 2hrs to get my 40hrs this afternoon. I have some other work related business that I need to take care of first. Let me know please."* Shortly thereafter Mr. Hill's response was, *"K."* (Please see attachment M). Also, in the first part of this violation Mr. Hill states, *"Whitney demonstrated a pattern of tardiness (6/23/11 and 33 other incidents) from 1/3/11 through 6/23/11."* This is a form of double jeopardy where Mr. Hill already tried to reprimand me for some of the instances in his statement. The disciplinary action Mr. Hill presented to me on 02/10/2011 already states this violation; however, the written warning I was issued at the time was eventually overturned through appeal by the Area Manager Shane John as he also felt Mr. Hill could not substantiate his statement. (Please see attachment N). In addition, 06/23/2011 is not considered a late punch or tardy; however, it should have been marked down as a late/missed punch. On 06/23/2011 at 8:21AM I wrote to Mr. Hill stating, *"I got here about 8 to 8 this morning and forgot to punch in right away; I was helping Yadi answer the phone while she prepared breakfast. Once I realized the time I punched in but it was a few minutes after 8. Was not sure if I*

should fill out a missed punch form or not.” It is very common that I fill in at the front desk of OHA to answer in coming phone calls. This can be verified with OHA’s office manager Michelle Jourdan. Mr. Hill responded on 06/24/2011 stating, *“That’s fine.”* (Please see attachment O). Once again Mr. Hill is in violation of the three policies mentioned above based on his false and malicious statements.

2. As stated previously my second alleged violation is also false; therefore, Mr. Hill is also in violation of the three (3) policies stated above.
3. In addition, my third alleged violation is also false as proofed previously in this document; therefore, once again Mr. Hill is in violation of the three (3) policies stated above.

Policy Violation V.D.5.A.1. Disciplinary Procedure: *“Supervisor investigates through a meeting with the employees and determines whether disciplinary action is warranted.”*

1. At no time did Mr. Hill investigate through a meeting with me in regards to my alleged third (3rd) violation. In fact, I was unaware of a third (3rd) violation until I signed the five (5) part disciplinary action form.

Policy Violation V.D.2.A.1-3. Disciplinary Actions: *“Disciplinary actions will be initiated by an immediate supervisor for the purpose of correcting unacceptable work performance. The supervisor will always discuss the action with the employee being disciplined to ensure that the employee: 1.) Understands the reason for the disciplinary action; 2.) Understands the expected work performance in light of the disciplinary action; 3.) Understands the consequences of continued unacceptable behavior.”*

1. As I showed proof before, Mr. Hill had my termination premeditated. In his hasty actions he failed to carry out the above mentioned policies. At no time during my disciplinary action did Mr. Hill ensure that I understood the three (3) numbered policies shown above. As stated above the five (5) part disciplinary action form was filled out before my arrival, which gives no opportunity to discuss anything. I was not afforded the chance to correct any alleged action (s) as Mr. Hill had already made up his mind.

Conclusion

I ask that the hearing body please take my appeal under great consideration, and rectify the wrongs that have been done in the best interest of myself and the Oneida Nation. As clearly mention above my termination was the result of retaliatory actions taken by my supervisor, Dale Frissell Hill. In addition to these retaliatory actions, a plethora of the Oneida Personnel Policies and Procedures were violated by Mr. Hill. I was never afforded the opportunity to correct any of the alleged violations, which is evident by the way Mr. Hill preceded with my termination. It was never his attention for me to correct any action, but to simply retaliate against me through termination. If his intention as a Tribal supervisor was to correct an alleged action he would have followed the policies and procedures to correct my alleged violation (s).

In accordance with Policy V.D.5.F.1.B: *Suspension/terminations that are overturned in the appeal process shall result in the employee receiving back pay for the days he/she was suspended/terminated.* I would like to request all back pay including holiday day pay for 07/04/2011 and vacation/personal hours to be returned to me as soon as possible at a rate of no less than \$17.76/Hr. This request is based off the hourly wage Mr. Hill approved in my title reassignment which he later denied as a form of retaliatory action. This is a reasonable request and should be granted as Tribal Pay Back Policy 3-1 states: *Back pay is money damages owed to the employee for a salary that would have been earned in the time taken to litigate the employment dispute.* In addition, I request compensation for all the time spent preparing this appeal, as it is a work related activity. The amount of emotional and physical distress bestowed upon me by Mr. Hill's actions has been tremendous. I would like to reiterate that I am a twenty two (22) year old Oneida man dedicated to the Oneida Nation Organization by working forty (40) plus hours a week, and also working toward my bachelor's degree as a full time student at the same time. With my final two classes ending the third week in July this already is a hectic time for me. Knowingly, Mr. Hill's actions also negatively affected my living arrangements as my current lease ends on 07/30/2011. Mr. Hill knew I was in the process of purchasing a home through Bay Bank's Section 184 loan program. The retaliatory actions on the part of Mr. Hill first with my title change and then with my termination shattered my dreams of being an independent Native home owner. As a result I seek full restitution and corrective action to be taken against Mr. Hill for his actions. This individual needs to know there are consequences to such unacceptable behavior under tribal policy. I see no other corrective action as appropriate as termination on the part of Mr. Hill, as no other Tribal employee should have to endure the distress I have gone through and continue to go through.

My final request deals with my reinstatement to the Oneida Tribe, particularly to the Oneida Housing Authority. I would like to be reinstated to the Oneida Housing Authority as my wealth of knowledge would be most beneficial to this department at a salary of no less than \$17.76/Hr. This request is based off the hourly wage Mr. Hill approved in my title reassignment which he later denied as a form of retaliatory action. Under no circumstance do I want to be reinstated or have my name affiliated with the corruptions of the O.R.E.E.P. department from which I was terminated.

Before I was terminated I was working with Dale Wheelock, OHA Executive Director, Jay Fuss, OHA Construction Supervisor, and Greg Matson, OHA Acquisitions Project Manager on developing a plan where I would become the Interim Acquisitions Project Manager upon Mr. Matson's election to Tribal Vice-Chair. My proposal called for a period of time to shadow Mr. Matson until the July 16th elections. With the appropriate approval I ask the Personnel Commission's support for my request to shadow Mr. Matson and support on my proposal to become the Interim Acquisitions Project Manager. (Please see attachment P for proposal).

I would like to thank you for your time and consideration in this matter, and if you should have any questions please feel free to contact me.

Yaw^ko,

A handwritten signature in black ink, appearing to read 'Whitney A. Wheelock', with a stylized flourish at the end.

Whitney A. Wheelock
2742 Viking Drive #3D
Green Bay, WI 54304
(920)-264-4586

Disciplinary Action Form (All 3 copies must be provided to employee)



Part I - Administrative Information

Discipline issued to: Employee's full name	WHITNEY WHEELOCK	Employee #	14981
Employee Job Title	ADMINISTRATIVE ASSISTANT II	Employee's Department	OHA

Part II - Unsatisfactory Work Performance and/or Policy Violation

V.D.2.II. Attendance and Punctuality	Sub sec:	B
V.D.2.IV. Personal Actions and Appearance	Sub sec:	C
V.D.2.1. Work Performance	Sub sec:	A

Date and Description of Incident (s): Attach additional information if necessary or needed.

1. WHITNEY DEMONSTRATED A PATTERN OF TARDINESS (6/23/11 AND 33 OTHER INCIDENTS) FROM 1/3/11 THROUGH 6/30/11. NO CALL NO SHOW ON JULY 1, 2011;
2. WHITNEY MADE FALSE AND MALICIOUS STATEMENTS ABOUT HIS SUPERVISOR TO AN OHA EMPLOYEE AND TRIED TO GET THE EMPLOYEE TO MAKE A FALSE STATEMENT AGAINST HIS SUPERVISOR; CONTINUED ON ITEM 2, ATTACHED SHEET

The violation was discussed with employee? ☒ YES

Part III - Corrective Action: Personnel Policies and Procedures, Section V.d.5.f.1 states: "Should this disciplinary action result in suspension or termination, the supervisor must consult with H.R.D. (Human Resource Department) Manager (or Designee)."

☐ WRITTEN WARNING

SUSPENSION beginning: returning: Time: A.M. or P.M.

☒ TERMINATION from employment with the Oneida Tribe of Indians of Wisconsin.

NOTE: "Further violation of this or other Tribal rule, policy or procedure may be subject to further corrective action."

Part IV - Employee Rights

If you choose to appeal this disciplinary action, your appeal must be filed within ten (10) working days from the date you receive this action. Day one (1) begins the day after you sign this Disciplinary Action Form or receive the disciplinary action via certified mail.

"The employee may seek the assistance of a spokesperson or advocate at any time after the disciplinary action has been issued in order to aid in the resolution of the grievance process." (Personnel Policies and Procedures, Section V.D.6.a.1.a.)

Your appeal must be filed in writing to:

Area Manager

Area Manager's (or designee's) Name:

Shane John

Area Manager's Location

Oneida Housing Authority

&

H.R.D. Area Manager
(or Designee)

Part V - Required Signatures - Print & Sign

This disciplinary action was issued to the employee on: 7/1/11 at (time): 3:30 A.M. or P.M. PM

☒ DO NOT Agree
Employee's Signature [Signature]

Date 7/1/11

Supervisor's Signature [Signature]

Supervisor's Name (Typed/Printed) Frissell Hill

☐ Check if employee was unavailable to sign (Term Only)

☐ Check if Employee declined to Sign

WHITNEY WHEELLOCK 14981

DISCIPLINARY ACTION FORM, CONTINUED.

PART II, DATE AND DESCRIPTION OF INCIDENT

2. AND CALLED THE CONTRACT SERVICES MANAGER AT HOME DEPOT AND TOLD HER THAT THE TRIBE WAS INVESTIGATING ME FOR EMBEZZLEMENT, AND WOULD SHE PROVIDE A STATEMENT TO THAT EFFECT. HE ALSO MADE SEVERAL FASE ACCUSATIONS ABOUT ME TO HER AND TRIED TO GET HER TO SUBSTANTIATE HIS STATEMENT.

3. AFTER BEING INSTRUCTED TO RETURN TO WORK AFTER A 9:00 AM MEETING, WHITNEY CONTINUED TO CONDUCT PERSONAL BUSINESS DURING WOK HOURS. I WARNED HIM AGAIN THAT CONDUCTING PERSONAL INVESTIGATIONS DURING WORK HOURS WAS NOT AUTHORIZED BY EMPLOYEES APPROXIMATELY TWO HOURS LATER, AND HE CONTINUED TO DO SO AFTER SPECIFICALLY BEING TOLD TO PERFORM HIS DUTIES TWICE IN ONE MORNING.

Disciplinary Action Checklist



Please Note: This Checklist Form is a guide to assist supervisors when issuing a discipline

1. I became aware of alleged unsatisfactory work performance, and/or violation of Tribal and/or departmental rules, policies, and/or procedure on this date:	06/23/11
2. I met with employee:	YES
3. I completed the investigation on this date:	07/01/11
4. I consulted the H.R.D. Personnel Relations Department on this date: (This field is Only required for suspension or termination)	07/01/11
4A. The P.R.O. I consulted with was:	Rita Reiter
5. I referred the employee to Employee Assistance Program (E.A.P.)	NO

Reminder: Per Personnel Policies and Procedures, copy this Disciplinary Action Form to: Employee, H.R.D. Manager (or designee), Supervisor, Area Manager, and General Manager

RESOURCES

Oneida Tribe Web-based Manual for Employees
Personnel Policies and Procedures
Stand Alone Resolutions, Policies, Procedures

<http://www.oneidanation.org/HumanResources/page.aspx?id=11580>

Employee Assistance Program Referral Form

<http://oneidaintranet/Intranet/ReferenceDirectory.nsf/SPWD/HomeIRFrequentForms?OpenDocument#link45>

Contact Information

Gaming Advocates
Employee Relations Representative (E.R.R.)
Employee Services Building
2491 Babcock Road, Green Bay, WI 54313
(920) 429-3050

Governmental/Program Advocates
Legal Resource Center (L.R.C.) Paralegals
Ridgeview Plaza
3759 West Mason St. Oneida WI 54155
(920) 496-7897

Personnel Relations Department
P.R.O.'s-H.R.D. Area Manager Designee
Skenandoah Complex
909 Packerland Dr Green Bay WI 54303
(920) 496-7900

Supervisor, if you need assistance with the disciplinary process or assistance with completing this Disciplinary Action Form, do not hesitate to contact Matt J. Denny, Susan Doxtator, or Rita Reiter within the Personnel Relations Department.

A copy of all three (3) pages shall be provided to your employee.

Oneida Tribe of Indians of Wisconsin



Appeals Policy and Procedure

V.D.6.a.	For all disciplinary actions, regardless of severity:
	1) The employee (petitioner) must file an appeal in writing
	a) The employee may seek the assistance of a spokesperson or advocate at any time after the disciplinary action has been issued in order to aid in the resolution of the grievance process.
	b) The appeal must be filed with the Area Manager and the Oneida Human Resources Manager (or designee) within ten (10) working days from the day the employee receives the disciplinary action.
	2) The Area Manager, for all disciplinary action investigations, will have ten (10) working days from the receipt of the employee's appeal to complete the investigation. One extension of no more than five (5) working days may be requested of and granted by the Oneida Human Resources Manager (or designee) at his or her discretion.
	3) The Area Manager will do one of the following:
	a) Uphold the disciplinary action; or
	b) Modify the disciplinary action; or
	c) Overturn the disciplinary action. If a suspension or termination is overturned, the employee (petitioner) shall be reinstated with full back pay.
	4) The Area Manager will file a decision with the employee and the Oneida Human Resources Manager (or designee) and will include a reason for the decision, an explanation of the decision and the action to be taken as a result of it.
V.D.6.b.	The employee may appeal the Area Manager's decision to the Oneida Personnel Commission. The appeal must be filed with the Oneida Personnel Commission within ten (10) working days from employee's receipt of the Area Manager's decision. Upon receipt of the appeal the Commission shall, within one business day, notify the Oneida Human Resources Manager (or designee) that an appeal has been filed by the employee.

Relevant Appeals Definitions

Advocate	An advocate is a person who assists a petitioner and/or respondent to plead and/or defend his or her case.
Area Manager	(1) The supervisor of the supervisor who disciplined the employee (two levels of supervision in the chain of command above the disciplined employee), or; (2) an individual designated to be the Area Manager by the Division Director (in divisions where there is no director, the General Manager). The act of designating an Area Manager must be approved by the HRD Manager (or designee).
Due Process	Right to be heard by an Area Manager and/or a neutral hearing body, with the authority to hear and decide cases.
Employee	Any person working for the Oneida Nation and its programs, enterprises, or governmental functions.
Employee Relations Representatives (ERRs)	Means employees within the Gaming Employee Relations Department who advocate for gaming side employees in their employment disciplinary actions.
Immediate Supervisor	Supervisor responsible for correcting unacceptable work performance.
General Manager	Shall mean; General Manager, Gaming General Manager, Chief of Staff, Chief Financial Officer, and Chief Legal Counsel
Legal Resource Advocates	Means the certified paralegals within the Legal Resource Department who advocate for program side employees in their employment disciplinary actions.
Personnel Relations Officer (PRO)	Provide advice regarding the complaint, disciplinary, and appeals processes.
Petitioner	The employee and/or party that formally files an appeal.
Respondent	The employee and/or party whom an appeal or appellate relief is sought.

Print Form

A copy of all three (3) pages shall be provided to your employee.

Oneida Employee Assistance Program (E.A.P.)
EMPLOYEE JOB PERFORMANCE REFERRAL FORM
(To be completed by referring Supervisor with referred Employee)
See following page for instructions

Identifying Employee Information

Employee Name	Whitney Wheelock	Employee Number	14981
Job Position	Administrative Assistant II	Length of Employment	April 11, 2010
Home Phone	(920) 713-8082	Work Phone	869-6177 Ext. 6177
		Dept./Division	OHA

Supervisor Information

Name	Frissell Hill	Work Phone	869-6176	Ext.	6176
Worksite	OHA	Today's Date	2/10/11		

REASON FOR REFERRAL: The referred employee is encouraged to seek assistance from the Oneida Employee Assistance Program (E.A.P.) To assess current job performance concerns. These concerns include (check all that apply):

- | | | |
|---|---|---|
| <input type="checkbox"/> excessive absences | <input checked="" type="checkbox"/> excessive tardiness | <input type="checkbox"/> conflicts with workers |
| <input type="checkbox"/> personal problems brought to work | <input type="checkbox"/> negligence in duties | <input type="checkbox"/> insubordination |
| <input type="checkbox"/> failure to exercise proper judgment | <input type="checkbox"/> employee requests referral | |
| <input type="checkbox"/> threatening, intimidating, interfering with customers or coworkers | | |
| <input type="checkbox"/> other | | |

I have discussed the reasons for this referral with the referred employee and have provided him/her with a copy of the completed form. I have informed the employee that it is his/her responsibility to contact either (Bob Fresen, EAP Director, at 920-490-3706 or Carol Bauman, EAP Counselor, at 920-490-3716) between 8:00 a.m. and 4:30 p.m. Monday - Friday to schedule an initial appointment as soon as possible. I will meet again with the referred employee on March 10, 2011 to review his/her progress.
(Date - 30 days)

Signed

Frissell Hill Project Manager
(Supervisor) (Title)

Date 2/10/11

INSTRUCTIONS
FOR COMPLETING ONEIDA EMPLOYEE ASSISTANCE (E.A.P.)
EMPLOYEE JOB PERFORMANCE REFERRAL FORM

Supervisors – please read carefully

1. Complete the attached Employee Job Performance Referral form **COMPLETELY**, including all requested information. Some information required may need to come directly from the referred employee.
2. **SIGN THE REFERRAL FORM AND DATE IT IN THE SPACES PROVIDED.** The referred employee is not required to sign this form.
3. Discuss the identified job performance concerns/problems with the referred employee; including an explanation of your decision to refer this person to the Oneida EAP. Answer any questions that the employee may have. If the employee has questions about EAP, have them call EAP.
4. Review the **COMPLETED** Employee Job Performance Referral Form with the employee, **indicating the instructions for the employee to contact EAP.** Point out the phone numbers and hours of EAP operation.
5. Schedule a time to meet again with the employee 30 days from now to review their job performance progress. Indicate this date on the Employee Job Performance Referral Form in the space provided.
6. Provide the employee with a copy of the completed Employee Job Performance Referral Form. Keep a copy of the completed form for your files.
7. Send the original copy of the **completed and signed** Employee Job Performance Referral Form to the Oneida Employee Assistance Program at ONEIDA EAP – SOCIAL SERVICES BUILDING through intra-tribal mail.

Instructions for use on the computer: This form is set up so that the user can simply use the **TAB** key to fill in the appropriate blanks. The only space that is **NOT** fixed is the space to fill in the "date 30 days from now". When you complete this space, it will move the print, but not enough to change the form. Remember to fill in the **TITLE** of the Supervisor. As this form is available on the computer, the multicolor OCR form does **NOT** have to be used. However, it is **IMPERATIVE** that a copy is made for the employee, a copy for the supervisor's files and the original to be sent to Oneida EAP.

PLEASE CALL THE ONEIDA E.A.P. WITH ANY QUESTIONS AT:

490 – 3706 or 490 – 3716

Hours: Monday –Friday 8:00 a.m. to 4:30 p.m.

(3/2/2011) Whitney Wheelock - Punctuality

From: Dale Hill
To: Whitney Wheelock
Date: 2/1/2011 8:09 AM
Subject: Punctuality

You need to be on time.

Frissell Hill
Project Manager-OHA
Office: 920.869.6176
Fax: 920.869.2836
Cell: 920.327.2312