



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE PLACING PROPOSED AMENDMENTS TO THE *EMPLOYMENT RELATIONS ACT (6 HCC § 5) OUT FOR FORTY-FIVE DAY PUBLIC COMMENT*

#### RESOLUTION 04-22-14I

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation (“Nation”) is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Ho-Chunk Nation Legislature (“Legislature”) the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its Legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on January 21, 2014; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** section 30, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period of a law will typically be forty-five (45) days; and

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**WHEREAS,** the Legislature set various terms and conditions of employment with the Nation by adopting the Nation's Employment Relations Act ("ERA") on December 9, 2004 (effective on January 31, 2005); and

**WHEREAS,** the ERA is codified into Ho-Chunk law as 6 HCC § 5 and has been updated and amended from time to time, by Legislative action; and

**WHEREAS,** the Legislative ERA workgroup has met several times to review the ERA, discuss and update any necessary revisions to the law to improve its coverage and application for the Nation and its enterprises; and

**WHEREAS,** the ERA workgroup has included the Executive Director of Personnel and Personnel Department staff, as well as other staff from the Legislative and Executive Branches of government; and

**WHEREAS,** after a final review of the ERA, a draft working document, showing proposed amendments, has been created and is ready for distribution to the public for comment; and

**WHEREAS,** the Legislature finds it appropriate to place the proposed amendments to the ERA out for comment pursuant to the procedures of the Legislative Organization Act.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority places the amendments proposed to the Employment Relations Act by the ERA workgroup out for forty-five (45) day public comment.

#### **CERTIFICATION**

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 10 constituting a quorum were present at a meeting duly called and convened and held on the 22<sup>nd</sup> day of April, 2014, approved the foregoing resolution, which was adopted at said meeting by an affirmative vote of 10 members, 0 opposed, and 0 abstaining, pursuant to the authority of Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Kathleen Lone Tree-Whiterabbit  
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

4.22.14  
Date