

**NO ACTION TAKEN**

**HO-CHUNK NATION LEGISLATURE  
QUICK PASSAGE AMENDMENT TO THE  
*EMPLOYMENT RELATIONS ACT (6 HCC § 5) – HO-CHUNK NATION HOLIDAYS***

**RESOLUTION 10-21-14FF**

- 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(s) of the Constitution grants the Legislature the power to promote public health, education, charity and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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 December 7, 2010; and

**WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; 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 29 of the *Legislative Organization Act* provides Quick Passage Procedures; and

**WHEREAS,** under certain limited circumstances, Section 29 provides “[t]he Legislature may vote to immediately pass Legislation”; and

**WHEREAS,** Section 29 of the *Legislative Organization Act* in relevant parts provides:

(2) For the Legislation to be considered for Quick Passage the Legislature must conclude:

(a) The Legislation must take effect immediately to address a situation that:

1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;

2 Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature;

3 Is internal to the operation of the Government; or

4 Impacts negotiations with a sovereign entity; and

(b) Adherence to the Normal Legislation Process outlined in Section 31 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

**WHEREAS,** Section 29 of the *Legislative Organization Act* provides “[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of Legislators present at the Legislative Session.”; and

**WHEREAS,** the ERA Workgroup has considered changes to provisions of the *Employment Relations Act* (6 HCC § 5) and recommends at this time an amendment to Section 17. Ho-Chunk Nation Holidays; and

**WHEREAS,** the Legislature finds that Quick Passage is appropriate given that the *Employment Relations Act* (6 HCC § 5) is integral to the operation of the Nation's government and the following the current Act would adversely affect the health, safety, welfare, or economic well-being of the Nation; and

**WHEREAS,** the Legislature finds that adherence to the Normal Legislative Process would result in a delay that would adversely impact the Nation.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby adopts by Quick Passage the following amendment to the *Employment Relations Act* (6 HCC § 5):

**17. Ho-Chunk Nation Holidays.**

a. All employees are eligible to observe the following recognized holidays.

<u>Holiday</u>	<u>Date Observed</u>
New Year's Day	January 1
Good Friday (1/2 Day)	Varies each year
Easter	Varies each year
Memorial Day	Last Monday in May
Corporal Mitchell Red Cloud Jr. Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Hocak Day	Day after Thanksgiving
Christmas Eve ( <del>1/2 Day</del> )	December 24
Christmas Day	December 25
<del>New Year's Eve (1/2 Day)</del>	<del>December 31</del>

**CERTIFICATION**

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13** members, of whom \_\_\_ constituting a quorum were present at a meeting duly called and convened and held on the **21<sup>st</sup> day of October, 2014**, that the foregoing resolution was adopted at said meeting by an affirmative vote of \_\_\_ members, \_\_\_ opposed, and \_\_\_ 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.

\_\_\_\_\_  
Kathyleen Lone Tree-Whiterabbit, Tribal Secretary

\_\_\_\_\_  
Date