



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

DEFEATED

(In accordance with 2 HCC §11.30.b an affirmative vote of more than two-thirds of the Legislators present was required to adopt this Resolution by Quick Passage.)

**HO-CHUNK NATION LEGISLATURE
ACKNOWLEDGEMENT OF GENERAL COUNCIL
RESOLUTION 9/28/13-10 AND
QUICK PASSAGE PROCEDURE TO AMEND
THE *EMPLOYMENT RELATIONS ACT*
REGARDING AT-WILL EMPLOYMENT**

RESOLUTION 11-05-13J

- 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(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 June 9, 2009; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and
- WHEREAS,** under certain limited circumstances, Section 30 provides "[t]he Legislature may vote to immediately pass Legislation:" and

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WHEREAS, Section 30 of the *Legislative Organization Act*, in relevant part, 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 30 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 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, Chapter II of the ERA contains a definition of “At-Will Employee” within the general definition of “Employee.”; and

WHEREAS, the Nation’s General Council met on September 28, 2013 at its Annual Meeting and adopted Resolution 9/28/13-10 entitled “Resolution to Amend the Ho-Chunk Nation Personnel Policies and Procedures and Hiring Practices of the Ho-Chunk Nation.”; and

WHEREAS, General Council Resolution 9/28/13-10 essentially mandates, as General Council policy, that the designation of At-Will Employee be repealed for those employees not appointed by the President and approved by the Legislature; and

WHEREAS, Article IV, Section 3(a) of the Constitution states that “[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings.”; and

WHEREAS, the Legislature finds it appropriate to amend the ERA through Quick Passage procedure in response to General Council Resolution 9/28/13-10 and in satisfaction of Article IV, Section 3(a) of the Constitution; and

WHEREAS, the Legislature finds it appropriate to amend the ERA through Quick Passage procedure in order to address a situation (tribal member employment) that affects the health, safety, welfare, or economic well-being of the Nation and its Members, and is internal to the operation of the Nation's government;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, using the Quick Passage procedures of the *Legislative Organization Act* (2 HCC § 11), amends the *Employment Relations Act*, at Chapter II, Section 7.O. by striking the reference to "At-Will Employee" in sub. (1) and renumbering the remaining provisions (2) through (10) accordingly.

BE IT FURTHER RESOLVED, that the above amendment to the Employment Relations Act shall take effect when this Quick Passage Resolution is adopted.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of ~~13 members~~ of whom ~~9~~ constituting a quorum were present at a meeting duly called and convened and held that on the **5th day of November, 2013**, that the foregoing resolution was **defeated** at said meeting by an affirmative vote of **6 members, 3 opposed, and 0 abstaining**, pursuant to the 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 the foregoing 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

11.5.13
Date