



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

45-Day Public Review

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO PLACE THE DEPARTMENT OF PERSONNEL ESTABLISHMENT AND ORGANIZATION ACT OF 2001 (1 HCC § 10) OUT FOR FORTY-FIVE DAY PUBLIC COMMENT

RESOLUTION 09-18-18 A

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation (“Constitution”), formerly known as the Wisconsin Winnebago Nation; 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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on June 23, 2015; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 44, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period for consideration of proposed laws or amendments will typically be forty-five (45) days; and

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WHEREAS, the Department of Personnel has presented to the Administration Committee over several months proposed amendments to the *Department of Personnel Establishment and Organization Act of 2001* (1 HCC § 10) in order to have the Department function more as a Human Resources Department rather than a Personnel Department; and

WHEREAS, on September 6, 2018, the Administration Committee made a motion to refer the amendments to the *Department of Personnel Establishment and Organization Act of 2001* (1 HCC § 10) to the Legislature in order for the amendments be placed out for 45 day public comment; and

WHEREAS, the Legislature wishes to place the proposed amendments to the *Department of Personnel Establishment and Organization Act of 2001* (1 HCC § 10) out for 45 day public comment;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, hereby places the attached proposed amendments to the *Department of Personnel Establishment and Organization Act of 2001* (1 HCC § 10) out for forty-five (45) day public comment, to run from the date the proposed ordinance is posted on the Nation's website.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify 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 **18th day of September, 2018**, adopted the foregoing resolution at said meeting by an affirmative vote of **9 members, 0 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.



Andrea Estebo, Tribal Secretary

09.18.2018
Date



**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 10 – DEPARTMENT OF PERSONNEL
ESTABLISHMENT AND ORGANIZATION ACT OF 2001**

ENACTED BY LEGISLATURE: MARCH 7, 2001

LAST AMENDED AND RESTATED: JUNE 5, 2017

CITE AS: 1 HCC § 10

This Act supersedes the Department of Personnel Establishment and Organization Act of 1995 (HCNL 008-95) and last amended on 06/05/17.

1. Authority.

a. Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. 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.

c. Article V, Section 2(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature.

d. Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget.

e. Article VI, Section 1(b) of the Constitution grants the Legislature the power to create Departments deemed necessary by the Legislature.

f. Article VI, Section 2(b) of the Constitution grants the President the power to administer all Departments, boards, and committees created by the Legislature.

~~2. Purpose. The Legislature establishes and organizes a Department of Personnel as required by the Constitution of the Ho-Chunk Nation.~~

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2. **Purpose.** The Legislature establishes a Department of Human Resources.

~~3. **Mission.** The Ho-Chunk Department of Personnel shall administer timely, equitable, and high quality human resource services to the Nation and its employees. In doing so, the Department shall safeguard the interests of the Nation, enhance the sovereignty of the Nation, and exercise stewardship over those resources committed to it by the Nation and foreign jurisdictions.~~

3. **Mission.** The Department of Personnel will provide professional guidance and operational consistency through leadership, training, education and customer service to promote high quality human resource services to the Nation's employees. The Department shall safeguard the interests of the Nation, enhance the sovereignty of the Nation, and exercise stewardship over those resources committed to it by the Nation and foreign jurisdictions.

4. **Functions.** The Department of Personnel shall:

- a. ~~Manage the implementation of personnel codes and regulations.~~
Manage and enforce the Employment Relations Act of 2004.
- b. ~~Ensure adherence to consistent policies and procedures.~~
Comprehensive employee Employment Relations Act of 2004 orientation.
- c. ~~Promulgate employee handbooks with pertinent personnel policies and procedures.~~
- d. Foster employees to engage in communication using policies and procedures at all levels of employment.
- c. ~~Develop and conduct new employee orientation training to ensure familiarity with personnel policies and procedures.~~
Communicate employee rights established in the Employment Relations Act of 2004.
- f. Develop and implement leadership training manuals and utilize trainings to promote recruitment and retention.
- g. Research cost-effective ways to provide benefits to employees.

5. **Internal Organization.**

a. The Department of Personnel shall consist of an Executive Director and such divisions, branches, and offices necessary for the execution of its **the mission statement**, performance of its **the** mandated functions, and to achieve its **the Department's** annual goals and objectives.

b. The Department of Personnel shall employ staff professionals, support personnel, and/or contract with professional service firms **after which** as the Executive Director ~~shall~~

determines **fiscal compliance** consistent with the Nation's ~~Finance Manual~~ *Finance Manual, Appropriations and Budget Process Act*, and expenditures authorized by the Legislature, ~~other laws of the Nation, and the Legislative approved budgetary authority.~~

c. The Department shall maintain a current Organizational Chart. The Organizational Chart shall accompany ~~its~~ **the** annual budget submission and ~~any~~ **all** budget modifications during ~~each~~ the fiscal year in accordance with the Nation's ~~Appropriations and Budget Process Act~~ *Appropriations and Budget Process Act*.

6. Executive Director and Board of Directors.

a. Executive Director.

(1) The Executive Director shall be appointed by the President and confirmed by the Legislature.

(2) The Executive Director shall be a full-time employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities and within the standards of compensation established by the Legislature.

(3) The Executive Director shall be responsible for operating within the annually appropriated budget for the Department.

(4) The Executive Director shall serve as an ex officio member of the Department's Board of Directors.

b. Board of Directors. The President shall establish a Board of Directors for the Department of Personnel subject to confirmation by the Legislature pursuant to paragraph 1c.

(1) Role. The Board of Directors shall serve in an advisory capacity on matters referred by the Executive Director.

(a) The Board shall not be a policy making body.

(b) The Board shall be involved in the Department's strategic planning.

(c) The Board shall be consulted during the development of the Department's annual goals and objectives required pursuant to the ~~Appropriations and Budget Process Act~~ *Appropriations and Budget Process Act*.

(2) Qualifications. ~~Directors and Alternate Directors~~ shall have the requisite skills, knowledge, and education to provide professional and expert advice and recommendations to the Executive Director.

(3) Membership. The Board of Directors shall be comprised of five (5) Directors and two (2) Alternate Directors to serve in the absence of a Director.

(a) A Director or Alternate Director shall not be an employee of the Department of Personnel.

(b) A Director or Alternate Director shall not be a member of more than two (2) department Boards of Directors.

(c) A Director or Alternate Director shall not be appointed nor serve as a member of a subordinate advisory board within the Department of Personnel.

(d) Whether a Director or an Alternate Director can be immediate family member of a Legislator, the President, or the appointed staff of the President shall be controlled by the Open Meetings Act (2 HCC § 2).

(e) Director or Alternate Director vacancies shall be posted pursuant to the requirements of the Legislative Organization Act (2 HCC § 13).

(4) Terms. Directors and Alternate Directors shall serve two (2) year terms and may serve for more than one (1) term. The terms shall be alternated so that two (2) Directors are appointed or re-appointed after the first year and every two (2) years thereafter and three (3) Directors are appointed/re-appointed in the alternate years.

(5) Compensation. Directors, or an Alternate Director serving in the absence of a Director, shall be compensated for attendance at Board Meetings at a rate established by the Legislature. A Director or Alternate Director must be present for a majority of the Meeting to receive compensation.

(6) Board Meetings.

(a) The Board of Directors shall meet at least twice a year and for special meetings as required and subject to the Board's By-Laws.

(b) Board Meetings shall be subject to the Nation's ~~Open Meetings Act~~ *Open Meetings Act*.

(c) Quorum. Quorum for the Board of Directors shall be three (3) of the five (5) Directors or Alternate Directors serving in the absence of a

Director. Quorum must be attained and maintained to conduct business and for Directors or Alternate Directors to be eligible for compensation.

(d) Minutes. The Board shall publish Meeting Minutes for each Board Meeting. Minutes must be submitted to the Office of the President and to the Legislature. A copy of the Meeting Minutes must be attached to compensation pay vouchers.

(7) Every twelve (12) months the Board shall elect a Chairperson.

(8) The Directors and Alternate Directors shall be subject to the Nation's *Employment Relations Act of 2004* law regarding nepotism and conflicts of interest.

(9) Within sixty (60) days of the enactment of this Act, the Board of Directors shall submit the By-Laws of the Board to the Legislature for approval.

7. Annual Report to the Nation. The Department of Personnel shall submit through the President to the Legislature a final written annual report within thirty (30) days of the end of each fiscal year. It will report on the activities of the Department, achievement of the goals and objectives for the previous fiscal year, and the impact, if any, of fiscal constraints on its current goals and objectives.

7. Strategic Planning and Reporting.

(a) The Executive Director of the Department of Personnel shall be responsible for creating a Departmental Strategic Plan. This strategic plan shall at a minimum consist of the Departmental Mission Statement, goals of the Department in support of that mission, the actions necessary to achieve those goals, and a timeline to regularly review and update the strategic plan as necessary. The plan will be presented to Legislature upon completion.

(b) On a semi-annual basis, with (1) *October for the first semi-annual review (October-November); and (2) March for the second semi-annual review (March-April)*, the Executive Director shall provide an update on progress made towards annual goals and objectives as defined in the Departmental Strategic Plan, as well as the goals and objectives stated in the annual budget request made in accordance with the Budget and Appropriations Act (2 HCC § 4).

(c) The Executive Director will conduct an annual review of the Departmental Strategic Plan, and make updates or revisions based on the department's achievement, or lack of progress, regarding the completion and fulfillment of the department's strategic goals and objectives for the previous fiscal year. The updated Departmental Strategic Plan shall be presented to the Legislative Development Committee, or any relevant committee as required by the Legislative Organization Act (2 HCC §11) and shall be submitted to that committee by January 1st of each year.

(d) Episodic Reviews of Departmental Strategic Plans, as requested by the Legislature, shall be presented to the Legislature upon completion.

Legislative History:

- 03.15.95 Presented to the Legislature by the President and referred to the Education, Employment Relations, Labor, Public Safety, and Human Resources Committee.
- 07.19.95 Adopted by Legislature.
- 05.27.97 Legislature adopts amendment to Sections 4 and 5.
- 03.07.01 Enacted as 1 HCC § 10 by Legislative Resolution 3/7/01H.
- 12.04.02 Amended and Restated by Legislative Resolution 12/4/02B amending the composition of the Department of Personnel Board of Directors by adding two (2) Alternate Directors.
- 03.16.04 Amended and Restated by Legislative Resolution 3/16/04J reducing quorum for the Board of Directors from four (4) to three (3) and requiring Director vacancies to be posted in the Hocak Worak prior to filling.
- 10.21.08 Legislature places proposed Amendments out for forty-five day public comment solely surrounding issues of immediate family of Legislators, President, and Appointed Presidential Staff serving on the Board of Directors.
- 02.03.09 Resolution 02-03-09F Amends and Restates Act to allow immediate family of Legislators, President, and Appointed Presidential Staff to serve on the Board of Directors.
- 02.07.17 Legislature adopts Resolution 02.07.17W placing all Establishment and Organization Acts out for Forty-Five Day Public Comment.
- 06.05.17 Legislature passed Resolution 06.05.17M which adopted proposed amendments to all Nation Establishment and Organization Acts, including 1 HCC § 19 and 1 HCC § 20, while excluding 1 HCC § 3, with amendments consisting of some general amendments as suggested by public commentary, as well as the "Strategic Planning and Reporting" language, which was originally placed out for forty-five (45) day Comment in Resolution 02.07.17W.