



**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 9 – DEPARTMENT OF LABOR
ESTABLISHMENT AND ORGANIZATION ACT OF 2001**

ENACTED BY LEGISLATURE: MARCH 7, 2001

LAST AMENDED AND RESTATED: SEPTEMBER 9, 2014

CITE AS: 1 HCC § 9

This Act supersedes the Department of Labor Establishment and Organization Act of 1995 (HCNL 007-95) as enacted by the Legislature on 11/14/95 and amended on 05/27/97 and further amended on 02/03/09 and 09/09/15.

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 requires a Department of Labor.

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 Labor as required by the Constitution of the Ho-Chunk Nation.

3. Mission. The Ho-Chunk Department of Labor will provide job skills training opportunities for Ho-Chunk members and employees to promote a sustainable workforce.

4. Functions. The Department of Labor shall:

- a. Coordinate job skills training and development.
- b. Perpetuate a sustainable workforce.
- c. Promote a safety culture within the Ho-Chunk Nation.
- d. Develop and maintain viable data collection, retention, analysis and application.

5. Internal Organization.

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

b. The Department shall employ personnel pursuant to the Employment Relations Act of 2004 (6 HCC § 5).

c. The Department shall maintain a current Organizational Chart. The Organizational Chart shall accompany its annual budget submission and any budget modifications during the fiscal year in accordance with the Nation's *Appropriations and Budget Process*. Act (2 HCC § 4).

d. The Department may contract with professional service firms in compliance with the Nations Finance Manual (5 HCC § 4).

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. See also the Confirmation Process of Executive Directors for the Ho-Chunk Nation (2 HCC § 9).

(2) The Executive Director shall be a full-time appointed employee and paid compensation commensurate with his or her skills, education, and experience, as referenced in the current job description.

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

(4) The Executive Director shall be an ex officio member of the Department of Labor Board of Directors.

7. Board of Directors. The President shall establish a Board of Directors for the Department of Labor 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* (2 HCC § 4).

(2) Qualifications. 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) members.

(a) A Director shall not be an employee of the Department of Labor.

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

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

(d) A Director shall not be an immediate relative of the Legislature, the President, or appointed staff of the President as defined in the Nations Employment Law (6 HCC § 5).

(e) A Director shall comply with the Open Meetings Act (2 HCC § 2). Section 9 Membership 9a) Members and Alternate Members of the Nation's public bodies shall be subject to the Nation's Code of Ethics (2 HCC § 1) and the Employment Relations Act of 2004 (6 HCC § 5) regarding nepotism and conflicts of interest.

(f) Director vacancies shall be posted in the Nation's media resources as stated in the Open Meetings Act (2 HCC § 2).

(4) Terms. The 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 shall be compensated for attendance at Board Meetings at a rate established by the Legislature. A Director must be present for a majority of the Meeting to receive compensation. (Finance Manual 5 HCC § 5).

(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* (2 HCC § 2).

(c) Quorum. Quorum for the Board of Directors shall be three (3) of the five (5) Directors. Quorum must be attained and maintained to conduct business and for Directors to be eligible for compensation. (Finance Manual 5 HCC § 5).

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

(8) The Directors shall be subject to the Nation's law regarding nepotism and conflicts of interest as stated in Employment Relations Act of 2004 (6 HCC § 5).

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

8. Annual Report to the Nation. The Department of Labor shall submit through the President to the Legislature a final annual report within thirty (30) days of the end of each fiscal year. The report will narrate 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.

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.
11/14/95	Adopted by Legislature.
05/27/97	Legislature adopts amendment to Sections 4 and 5.
03/07/01	Enacted as 1 HCC § 9 by Legislative Resolution 03/07/01G.
03/16/04	Amended and Restated by Legislative Resolution 03/16/04H 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 out proposed Amendments 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.
- 07/08/14 Legislature places out for forty-five day public comment by Legislative Resolution 07/08/14Z.
- 09/09/14 Legislature adopts proposed amendments by Legislative Resolution 09/09/14J.