



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
AMENDING RESOLUTION 5-06-08 A
AUTHORIZING PAYMENT OF INCENTIVES
FOR NEWLY HIRED KEY EMPLOYEES
RESOLUTION 5-20-08 A**

- WHEREAS,** on November 1, 1994, the 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 Constitution of the Ho-Chunk Nation ("Constitution") grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; 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,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all government personnel; and
- WHEREAS,** Article V, Section 2(I) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** the Legislature recognizes the Nation's effort to maintain affordable health care for all Ho-Chunk Nation Members and participating Employees; and
- WHEREAS,** the Nation's Health Care Insurance is a self-insured program, the Legislature can make changes as they deem necessary to the Nation's Health Care Benefit Plan; and
- WHEREAS,** the Nation's Department of Personnel-Division of Insurance provides and implements the Health Care Benefit Plan for all Ho-Chunk Nation Members and participating Employees; and
- WHEREAS,** the Legislature adopted Legislature Resolution 7-05-06A, which made changes to the Nation's Non-Tribal Employee Benefit Plan; and
- WHEREAS,** said Resolution 7-05-06A provided the following language for the *Ho-Chunk Nation Health Benefit Plan for Non-Tribal Employees*:

"Initial Benefit Plan" for Non-Tribal New Hires. A separate fully insured "Initial Benefit Plan" for Non-Tribal Hires with an effective date of the first of the month following date of hire. After an employee has satisfied the eighteen (18) month waiting period, the employee will then be eligible for the plan options of the Non-Tribal Standard or Non-Tribal Premium Benefit Plan."

- WHEREAS,** the eighteen month waiting period for health benefits eligibility has created difficulties in recruiting Non-Tribal New Hires for certain key positions within the Nation.
- WHEREAS,** said Resolution 12-05-06E authorized the Nation to pay Non-Tribal New Hires for certain "professional" positions a monthly amount equal to their COBRA health insurance premiums, less the amount that a Non-Tribal Employee would pay for similar coverage under the Nation's self-funded health insurance, for a period not to exceed eighteen (18) months. The

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Executive Director of the Department of Personnel ("Executive Director"), in his or her sole discretion, shall determine which openings are "professional" positions and eligible for this reimbursement. Prior to any payment, the provision of this COBRA health insurance reimbursement must be documented in a contract that is approved by the Office of the President, reviewed by the Nation's Department of Justice, and properly executed according to the laws of the Nation. Such Non-Tribal New Hires shall furnish proof of this insurance coverage and its monthly premium upon request by the Executive Director. The New Hire must immediately inform the Executive Director of any changes in this insurance coverage. The New Hire is responsible for any applicable income taxes resulting from this COBRA insurance reimbursement.

WHEREAS, said Resolution 04-08-08E reduced the eligibility waiting period for the Non-Tribal Health Plan to twelve (12) months effective July 1, 2008.

WHEREAS, the Nation also desires to make it easier to recruit members of the Ho-Chunk Nation to work for the Nation.

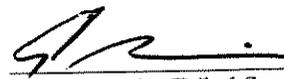
WHEREAS, Resolution 5-06-08 A is hereby amended.

NOW THEREFORE BE IT RESOLVED that the Legislature authorizes the Nation to pay Newly Hired Tribal and Non-Tribal Key Employees for certain "professional positions" a negotiated monthly incentive not to exceed \$900.00 for a period not to exceed twelve (12) months. The Executive Director of the Department of Personnel ("Executive Director"), at his or her sole discretion, shall determine which positions are "professional" (i.e., require licensure or accreditation by a non-Ho-Chunk entity) and eligible for this incentive. Prior to any payment, the provisions of this incentive must be documented in a contract that is approved by the Ho-Chunk Nation President, the Ho-Chunk Nation Vice President or the Ho-Chunk Nation Chief Trial Judge, as appropriate, and reviewed by the Nation's Department of Justice or Legislative Counsel, and properly executed according to the laws of the Nation. The Newly Hired Employee is responsible for any applicable income taxes resulting from this incentive payment.

BE IT FURTHER RESOLVED that persons currently receiving benefits pursuant to Resolution 12-05-06-E shall be allowed to continue receiving benefits under said Resolution. No additional persons shall be entitled to benefits under Resolution 12-05-06-E and said Resolution shall cease to be in effect when the last person currently receiving benefits exhausts their benefit.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **10** constituting a quorum were present at a meeting duly called and convened and held on the **20th day of May, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **7 members, 2 opposed, and 1 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.



Elliott Garvin, Tribal Secretary

5-20-08
Date