



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AMENDMENT TO RESOLUTION 8-05-08 I LIMITS ON WAGE INCREASES RESOLUTION 9-23-08 A

- 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(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(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,** Article V, Section 2(f) of the Constitution of the Ho-Chunk Nation authorizes the Legislature to set salaries, terms, and conditions of employment of government 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 *Employment Relations Act of 2004* (6 HCC §5) is the "official employment law of the Ho-Chunk Nation."; and
- WHEREAS,** the purpose of the *Employment Relations Act* is to "establishes [sic] uniform employment practices throughout the Ho-Chunk Nation."; and
- WHEREAS,** it is in the best interests of the Nation to promote consistency and certainty in its employment practices; and
- WHEREAS,** the Department of Personnel maintains job descriptions for every position of the Nation as adopted by the Legislature; and

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W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

- WHEREAS, the Administration Committee of the Ho-Chunk Nation Legislature must approve any change to a job description prior to adoption by the Legislature; and
- WHEREAS, on May 7, 1995 the Nation established a Classification and Compensation Wage Guide used to determine the wage range for all job descriptions that are approved by the Ho-Chunk Nation Legislature; and
- WHEREAS, the Legislature passed Resolution 1-08-08-A entitled "Classification & Compensation Wage Guide."; and
- WHEREAS, Resolution 1-08-08-A provided that the Nation shall use the Amended Classification and Compensation Wage Guide of 2008 when determining salary ranges for all present and future job descriptions of the Nation; and
- WHEREAS, Section 13d of the Employment Relations Act provides that "the Nation may periodically revise pay rates or ranges resulting from studies of prevailing wages and other influential considerations."; and

NOW THEREFORE BE IT RESOLVED that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, limits wage increases to no more than two (2) grade levels for individual Governmental Branches, Executive Departments, and Enterprises of the Ho-Chunk Nation until the Executive Director of Personnel brings forth a policy containing appropriate justification and specific documentation for grade level increases for all job descriptions.

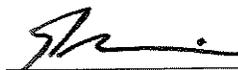
BE IT FURTHER RESOLVED that this resolution shall exclude those "key and professional positions" as determined by the Ho-Chunk Nation Department of Personnel (in regards to HCN Resolution 5-06-08 A) as listed in Memorandum dated August 21, 2008, and that any wage increase beyond more than two grade levels have attached three area wage surveys justifying the higher wage, financial impact and costs benefits to the Nation as found in the procedures for amending current job descriptions, and

BE IT FURTHER RESOLVED that this Resolution shall not impact the ability of the Executive branch of government to bring forward changes to a job description with respect to the positions non-wage classification(s).

BE IT FURTHER RESOLVED that this resolution hereby amends and supersedes resolution 8-05-08 I.

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 **8** constituting a quorum were present at a meeting duly called and convened and held on the **23rd day of September, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 0 opposed, and 0 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

9-23-08

 Date