

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** All persons who owe funds to the Tribe should expect to have to pay back those funds to the Tribe, to the extent they are able;and
- WHEREAS,** From time to time and for various reasons, persons who are employed by the Three Affiliated Tribes owe funds to the Tribe, through loans obtained following approval by the Tribal Business Council, housing provided to the person, or for other reasons excluding pay advances and travel advances; and
- WHEREAS,** For some time, it has been the policy of the Tribal Business Council, in approving any loan to an employee of the Tribe, that the employee will have to agree to have a wage deduction made to have the loan repaid or if the loan is not repaid according to its terms, that the loan agreement with the individual will provide for a wage deduction in the event of non-repayment; and
- WHEREAS,** For various reasons, at the present time, some Tribal employees owe funds to the Tribe where such an agreement was not reached prior to the Tribal employee becoming indebted to the Tribe; and
- WHEREAS,** The Tribal Business Council desires to collect the indebtedness owed by various Tribal employees by imposing a wage withholding system on such employees, with the wage withholding plan to be in effect on the individual employee until the debt owed to the Tribe by the individual employee has been repaid in full; and
- WHEREAS,** Prior to requiring an employee to submit to a wage withholding process, the Tribal Business Council desires to provide due process protections to each Tribal employee the Tribe believes owes funds to the Tribe; and
- WHEREAS,** Notwithstanding any provision of this Resolution, the Tribe desires to retain the option of suing any individual Tribal employee for debts owed to the Tribe and utilizing any other collection process authorized by Tribal law or other applicable law;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the following requirement of all employees, to become a part of the Tribal Personnel Policies at the appropriate place and in the appropriate form:

Debt Repayment Policy

Each employee of the Three Affiliated Tribes is expected to repay any debt owed by the employee to the Tribe in accordance with the terms of the agreement that established the indebtedness.

In the event the employee is unable or unwilling to pay the debt according to the terms of the agreement that established the indebtedness, the Tribe will, pursuant to the procedure stated below, impose a wage withholding plan on the employee for repayment of the debt.

Wage Withholding Process

1. All employees of the Three Affiliated Tribes who owe funds to the Tribe shall have in place a wage withholding plan.

a. For those employees who have a wage withholding plan already in place or who have an agreement with the Tribe that requires wage withholding, such wage withholding plan will be implemented in accordance with the existing plan or in accordance with the wage withholding agreement with the Tribe.

b. For those employees who owe funds to the Tribe, but for whom no wage withholding plan exists, or with whom the Tribe does not have an agreement for wage withholding, a wage withholding plan will be established as follows:

1. Each employee who owes funds to the Tribe as of the date of this resolution will be notified in writing of the amount of the debt, when the debt was incurred, the expected time and amounts of repayment of the debt, any payments made on the debt and all other relevant information which the Tribe may have about the nature of the indebtedness.

2. At the same time, the employee will receive notice in writing of the intention of the Tribe to commence a wage withholding plan no earlier than the pay period following the pay period in which the notice of intention is given. In the notice, the employee will be offered an opportunity to admit to the debt and agree, in writing, that the debt stated is owed to the Tribe and that the employee

agrees to the wage withholding plan stated in the notice.

3. The employee will be given five (5) business days after receipt of the notices mentioned above in which to file with the Personnel Director a notice, in writing, that the employee appeals and contests either 1) the existence or amount of the indebtedness stated in the notice; or 2) the proposed wage withholding plan; or both, and which will also state the reasons for the appeal or contest.

4. If the employee contests or appeals the contents of either of the notices provided above, the wage withholding plan will not go into effect until the appeal as provided herein is completed, except that an appeal to the Tribal Court (the District Court of the Fort Berthold Reservation) of any decision made pursuant to this policy will not act to prevent the wage withholding plan from going into effect unless specifically ordered by the Court.

5. The appeal or contest of the employee to the either or both of the notices as provided above will be heard by the Human Resources Committee of the Tribal Business Council within a reasonable amount of time following the notice of appeal or contest filed by the employee. The Tribal finance department will present to the Human Resources Committee all information previously provided to the employee concerning the indebtedness. The employee will have the right to present to the Human Resources Committee additional evidence, including testimony or written documents, concerning the indebtedness. The hearing will be informal, and standard rules of evidence will not apply, but all information presented to the Committee shall be relevant to the appeal or contest. The Chairman of the Human resources Committee shall act as a hearing officer. The Human Resources Committee will not have any power to require any particular witnesses, other than other Tribal employees, to be present. Time taken for the appeal will not result in loss of pay or benefits to the employee contesting or appealing the notices required by subsections 1 or 2 of this subsection.

6. The Human Resources Committee will consider all information provided to it and will render a decision, in writing, and provide the notice to the employee either in person or by certified mail, within five (5) business days following the date of the hearing. If the decision is not favorable to the employee, the wage withholding plan stated in the notice provided to the employee will be implemented in the pay period immediately following the one in

which the decision of the Committee was rendered, notwithstanding any action that the employee may commence against the Tribe in Tribal Court, unless otherwise ordered by the Court.

2. Unless the employee, pursuant to the notice provided under this policy or otherwise, has admitted to the indebtedness owing by the employee to the Tribe, nothing in this policy and in its implementation will affect the rights of the employee and of the Tribe to bring any action concerning the debt in Tribal Court.

3. At any time following imposition of a wage withholding plan on a Tribal employee, including any wage withholding plan now in existence or put in place in the future, the Tribal employee may make a request to the Human Resources Committee that the wage withholding plan be suspended or cancelled or otherwise modified, by filling in writing such a request with the Personnel Director of the Tribe. The Human Resources Committee will consider the request at the first meeting it has following receipt of the request. In an emergency situation, the Personnel Director may suspend or modify the wage withholding plan for not more than two pay periods.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of May, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11th day of May, 2000.

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Tex G. Hall
Chairman, Tribal Business Council