



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

***A Resolution Entitled, "Adoption of a Cellular Phone Use, Distribution and Payment Policy"  
for Three Affiliated Tribes Tribal Employees"***

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

**WHEREAS,** The Constitution of the Three Affiliated Tribe 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,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies; and

**WHEREAS,** Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes of the Tribes; and

**WHEREAS,** The Tribe regularly provides cell phones for business use to its employees and has passed a prior policy by Resolution 071-91 VJB; and

**WHEREAS,** The Tribal Business Council has determined that a new policy should be adopted regarding the use, distribution and payment of cellular phones for tribal employees and the Property, Finance and Legal Departments have drafted a new policy for consideration by the Tribal Business Council and the Tribal Business Council finds that in order to cut costs and to prevent the misuse of tribal cell phones this new policy should be adopted.

**NOW, THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the following Tribal Cell Phone Use, Distribution and Payment Policy for the employees of the Three Affiliated Tribes:

**Goal** – the goal of this policy is to control the monthly costs of tribal cellular equipment (phones and PC broadband cards) and service and the time it takes to manage the cell phones.





### **Issuance of phones**

The issuance of cell phones and PC broadband cards shall be based upon each employee's job duties and what type of equipment and service is necessary to perform those duties. The type of equipment and service that will be issued to every employee will be determined and approved by the TAT Management Team and forwarded to the Property Department. A new employee may have to wait until after his/her 90 day probation period for equipment and service to be issued. The management team will decide whether or not a new employee will be required to wait.

This provision shall apply to employees who currently have tribal cell phones and equipment or PC broadband cards. If the Management team determines that an employee who currently has a phone does not meet the criteria set forth in this policy to be issued a phone or that the employees job duties does not necessitate the level of service they currently have, then the employee will be given the option to sign a liability waiver that allows the employee to transfer the account and phone number to the employee as a personal phone. If the employee chooses to transfer the account the employee may purchase the equipment from the Tribe at a depreciated cost through payroll deduction.

### **Equipment Charges**

The Tribe will contribute \$50 toward the cost of new cell phone equipment. Any equipment costing greater than \$50 will be paid by the employee through a wage deduction. Cost to replace lost; stolen or broken equipment will be the employee's responsibility and will be paid through a wage deduction.

### **Monthly Cell Service**

The Tribe will pay for the cell access service that has been approved by the Management Team. The level of cell service will be based upon the employee's job duties and necessity for the service to perform those duties. If the employee wants additional services beyond the approved level it will be at the cost of the employee and paid through payroll deductions.

### **Activation/Technical Support/Problem Solving**

The Property Department will assist with activating the equipment. To help manage the time it takes to manage the phone, employees are to call the service provider for technical assistance before requesting assistance from the Property Clerk. If the problems or issues are not resolved the employee should contact the Property Clerk.

### **TAT Property Department**

Daily Administration of the cell phone equipment and service shall be the responsibility of the Property Department. It is the responsibility of the Property Department to reconcile the phone bill and forward to the Payroll Clerk any cost greater than \$50 for equipment and excess service charges. These costs will be deducted from the employee's wages. The Property Department will also forward to the Program's monthly equipment and services charges to the attention of each Director. Any unused devices (cells & or PC broadband cards) will be deactivated. The Tribe will not pay for phones that are not properly managed by the Property Department and held to the standards set forth in this policy. The objective is to end unjustified or unapproved purchases/services. Non adherence to this policy will results in costs and services being denied.





### **Cell Phone Usage Agreement**

All employees must sign the TAT cell phone usage agreement prior to being issued the equipment and related service. A clear understanding of the employee's personal responsibility and cost assumed by the employee will be stated in the agreement. The employee agrees to set up a personal cell phone greeting and answer voice messages in a timely matter. Use of any ring tones on the TAT equipment should be avoided. Employees who already have been issued cell phones will also be required to sign the usage agreement.

### **Prohibited uses**

The use of a tribal cell phone is a privilege and any abuse of that privilege is prohibited. Employees are strictly prohibited from downloading ring tones, ring-back tones and other downloads that result in additional charges to the Tribe. Personal use of phones and equipment should be kept to a minimum and should never interfere with work related use. Phones shall never be used to harass any individual whether through text messaging, phone calls or use of internet social networking sites, or to engage in any type of illegal conduct or any other conduct deemed inappropriate by the Management team. Violation of this prohibition may result in disciplinary action. The use of ring tones or ring back tones that do not result in additional charges to the Tribe shall be in good taste.

### **Equipment Upgrades**

Equipment upgrades are available every 10 months. The employee's supervisor must determine if the upgrade is necessary and forward the request to the Property Department. The requested equipment must be in line with the original equipment approved by the Management Team.

### **Separation from Employment**

At the time of separation from employment the employee will be given the opportunity to transfer the equipment to a personal cell account. The employee has 24 hours to set up their own account, before the cell is deactivated. The employee will pay the depreciated value of the equipment based upon the age of the equipment. If the employee does not want to transfer the phone and service, the employee must turn in the phone and all accessories. The property clerk will reissue the equipment and set up service for another employee after receiving approval from the management team. On the employee's employment close out form any needed true up of equipment cost or service will be deducted from their last payroll check.





**Personal Cell Service**

It is TAT policy to no longer allow personal and family members to receive service or equipment on the Tribes' cell phone account. Employees with personal cells on the TAT account will be given three weeks from the date of adoption of this policy to transfer their cell service to a personal account. Failure to transfer will result in cancellation of the service.

**BE IT FINALLY RESOLVED**, That Resolution 0791- VJB and any other inconsistent policies regarding the same subject matter are hereby rescinded.


**CERTIFICATION**


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14<sup>th</sup> day of April, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 4 members, 2 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [  ] Voting. [  ] Not Voting.

Dated this 14<sup>th</sup> day of April, 2011.

**ATTEST:**

  
Tribal Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes

