



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

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TRIBAL BUSINESS COUNCIL

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## **THREE AFFILIATED TRIBES HEALTH & HUMAN RESOURCES COMMITTEE Regular Meeting February 28, 2001**

Committee Chairman Randy Phelan and Committee member Daylon Spotted Bear held an informal meeting at 2:20 p.m. with some of the Dialysis staff. During this informal meeting Ms. Paula Snow informed them she was here as a social worker and said the Dialysis Unit was in need of another Dialysis nurse. They have ten chairs, run two shifts and once they go over twenty patients they're considered full and it adds another four to five hours to their work day shifts. They have twenty-four patients now. She inquired when the new Administrator would be coming to the Dialysis Unit. Committee member Daylon Spotted Bear asked Ms. Snow if she heard anything from the Nurses there now, that they were going to walk out because of the Tribe hiring a Native American Director. She said she could not speak for the Nurses, she can share what was told to her. She said their concern was if the person who's hired or if they feel the person hired is not qualified to deliver quality care to the patients they would not be comfortable remaining where the care to the patient was questioned. She said that is there own decisions and own judgments and that's up to them to view it how they want to view it and if they want to judge who's going to be hired, that's up to them. She would disagree to say it was racial, but she don't speak for them, the Committee would have to ask them. She went on to say the nurses want to make sure quality care is delivered and quaranteed it would be delivered and they have doubts. Committee Chairman stated shouldn't quality care come from the staff and not the Administrator, the staff should have that commitment. Ms. Snow said they're there now and working but the Nurses' from the nursing perspective have their own concerns, they say if they don't feel like the person brought in is going to run it correctly or if the working conditions are questionable they won't be able to stay there. Committee Chairman felt that was only fair for any atmosphere but felt there was job descriptions and particulars they have to bide by. Ms. Snow said there's some history there, some personal history. Committee Chairman stated it's tending to go racial and he did not feel it should be there at all. Committee member Spotted Bear asked who was acting Administrator. Ms. Snow replied that Lynn was appointed the Acting Administrator, she never really accepted. She received a memorandum from Pat Wilkinson appointing her. Committee Chairman Phelan said he invited them to attend this meeting. Ms. Snow said the R.N's are unhappy. Committee Chairman Phelan felt they should write out their concerns instead of hearsay. Ms. Snow said in the worse case if the Nurses walked out, what would be the backup plan. Ms. Snow informed Pat Wilkinson of what has transpired in the discussion with the Committee. Ms. Wilkinson explained to Ms. Snow what was being said within the communities.

Mr. Ambrose Phelan expressed his concerns to the two committee members present and explained what he has endured as a patient.

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Discussion followed in which Committee Chairman Phelan stated for the record this was discussed because patients have a concern that the Tribe have a back up plan in place should some unforeseen circumstances arise at the Kidney Dialysis Unit. The two committee members discussed having a plan in place and who would be implementing this plan.

**01. CALL TO ORDER:**

Committee Chairman Randy Phelan called the meeting to order at 2:40 p.m.

**02. ROLL CALL:**

**Members present:** Committee Chairman Randy Phelan; Member Daylon Spotted Bear; Member Malcolm Wolf. Others present were: V. Judy Brugh, Recording Secretary; Paula Snow, Pat Wilkinson, Darryl Hall, Hugh Baker, Texx Lone Bear, Leo Cummings, Roger Grady, Jr., Rebecca Cronis, John Hogan, Teresa Snyder, Mavis Young Bear, Antoin Chamberlain, Steve Hall, Randy White Owl, and Eide White Horse.

**03. KIDNEY DIALYSIS UNIT - PAULA SNOW:**

Committee Chairman Phelan updated member Malcolm Wolf of what had transpired in their discussion with Ms. Snow on the KDU. He said the concerns were that there has been a comment by some individuals that reported to some councilmen and staff that if there was a non Native hired, they would walk. This is what has been said to some people. Committee member Spotted Bear said Ms. Snow said there is concern that if a person was hired and the Nurses did not feel have the qualifications to do the job right, that they would not want to work with that person and they would probably resign. Ms. Snow said they are concerned about working in a place that did not provide quality patient care and with all three people who applied, they have all worked with them at some point. They feel they can judge. Committee Chairman Phelan said they need to have a backup plan in place so the patients can still get dialyzed. His concern was how to formulate the language so it is no misconstrued.

**Committee member, Daylon Spotted Bear, motioned to direct Pat Wilkinson to develop a contingency plan for the Kidney Dialysis Unit on having staff available in case the KDU should lose some nurses due to some unforeseen circumstances and to make provisions with hospitals to take the patients to dialyze if staff can't be found. Seconded by Committee member Malcolm Wolf.**

Discussion: Pat Wilkinson stated she will meet with the staff of KDU and listen to their concerns.

**VOTE:** 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.



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Ms. Paula Snow inquired again about hiring an additional nurse. She said they can't admit new patients because of staff shortage. She was informed that the new administrator should be here in two weeks and she will handle this. Discussion followed.

**Committee member, Daylon Spotted Bear, motioned to have Pat Wilkinson along with Terry Red Fox work with the applicant who applied for the registered nurse position and to appoint this person up to thirty days with Committee consensus. Seconded by Committee member, Malcolm Wolf.**

Discussion: It was asked if the person who applied working now. Ms. Wilkinson said the applicant said immediately. Ms. Snow asked about the waiting list and how it will be managed. The Committee said this would be an administrative call.

**VOTE:** 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.

**Roger Grady, Jr.** Ms. Wilkinson said the drivers of KDU are doing maintenance work as it was included in "duties as assigned" by the past administrator and she felt this was not something the driver's should have to do in addition to their job. They have accumulated a lot of over time because of this. She felt a maintenance person is needed at the unit either part time or full time. Again, the Committee recommended this be brought to the new Administrator for her decision. Discussion evolved around the table for the KDU patients with Mr. Roger Grady.

**AGENDA:**

Chairman Phelan said the agenda is revised and for the committee's records, TANIF will be on item #4, and number 6, will be struck until the next Health & Human.

**4. TANIF: TERESA SNYDER & JOHN HOGAN:**

The two guests were from the Department of Human Services. Mr. Leo Cummings said he has prepared an executive summary draft for the Tribal TANIF plan. These are the goals for them. He would like the committee to review this summary he has worked on. This is what the Committee had referred to as "Plan A". Committee member, Daylon Spotted Bear stated part of the motion also called for a "Plan B". Mr. Hugh Baker said the discussion in the last meeting was what the State's role was in TANIF and that is why Ms. Snyder and Mr. Hogan are here today.

**John Hogan:** Mr. Hogan informed the Committee he was not going to take a position on what the Tribe should do, it's clearly a Tribal issued program, it's not State. He said the Tribe needs to make the decision if they want to do Tribal TANIF and if they do, how they want implement it. He said there was a law passed in the last legislative session that

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talked about a pilot project and money for a State match but it was not available until this next coming biennium. Committee Chairman Phelan asked if any other Tribal Nations are approaching this same situation. Mr. Hogan said no, Turtle Mountain felt they should wait until re authorization before they pursue it. He felt it boiled down to money, the federal share of the amount they would get is about 3.6 million per year. They found out the amount paid out in grants is about the same. Discussion centered around the Legislator hearing the Tribe's concerns. They only know what Leo Cummings has presented. Mr. Hogan said there is no money for administration of the program, they talked about contracting back to the County on eligibility. Mr. Hugh Baker asked if they would be interested in hearing back from the Tribe. Mr. Hogan said they would always be interested in hearing from the Tribe. Plan A was discussed in which Mr. Cummings said on page seven of his summary, it talks about what is available from federal funds for the Tribe and that amounts to about \$600,600.00. With this money the Tribe can take over the Administration of the program, can take on 100% of the case management, 100% of support services, and contract back to the State with state responsibility, eligibility and the subsistence payments at 25%. 30% for the second and 35% for the third year. It does not speak of state match, it talks of state responsibility within the Tribal TANIF plan. Mr. Hugh Baker said in the last meeting eligibility was talked about and he wondering why the Tribe is not doing eligibility. He felt it was critical. Committee Chairman Phelan asked Mr. Hogan how critical eligibility was and he stated he was going to be noncommittal. How the Tribe put the plan together is a tribal issue. Mr. Cummings plan does not include eligibility and Mr. Cummings has stated what he felt he could do was administer the jobs portion of the program. He'd use that as a primary case management and it'd take all tribal members and Native American families within the Three Affiliated Tribes area and he'd provide job service to them. He spoke with the federal people and this would be considered a tribal plan even though the county would continue to determine eligibility. The people determined eligible would be tribal TANIF participants. Chairman Phelan said a lot of tribal people do not have funds for transportation. Mr. Cummings said within his plan is working with the County in establishing an office on the reservation. Extensive discussion pursued on the TANIF program and eligibility.

Mr. Leo Cummings said he has deadlines to meet and this has to go for public comment 30-45 days. Changes can be made after comments from enrolled members.

**Committee member Daylon Spotted Bear motioned to direct Hugh Baker to bring an eligibility plan to the next Health & Human Resources Committee meeting for review. Seconded by Committee member Malcolm Wolf.**

**VOTE:**           3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.



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Mr. Leo Cummings said there is a National Employment Training conference in which he is the Vice-Chair of the conference this year and will be running for it next year. He would like tribal support of the programs.

**05. M.R. & I. ISSUES - TEXX LONG BEAR**

Mr. Lone Bear spoke on health insurance and said there is enough funds in his budget to pay for 100% for single and dependents. Committee member Daylon Spotted Bear said with this single plus dependent insurance, there will be no higher wages to cover overtime and compensatory time. Mr. Texx Lone Bear said there is no more complaints because the Bureau of Reclamation has required him to pay overtime except for Holidays. There has to be specific jobs in order to pay over time. The Tribe covers 100% of single insurance and the Tribe pays 70% of single plus dependents. Mr. Lone Bear said the total amount is \$21,074.40. The Committee members said BOR is paying overtime and looking at salaried employees.

**Committee member Daylon Spotted Bear motioned approve the proposed insurance coverage Mr. Texx Lone Bear presented and to forward to full council per resolution for approval. Seconded by Committee member Malcolm Wolf.**

**VOTE:** 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.

**06. POLICY REVIEW - deferred**

**07. TRANSPORTATION SAFETY - DARRYL HALL:**

Mr. Darryl Hall said there is an IHS grant for an injury prevention specialist. He felt the job description was a mirror of what he is doing now. He felt it could be put under his department and he could do it. It's \$50,000.00 a year for five years. Chairman Phelan asked if Mr. Hall could provide a copy of the grant and bring it back to the next meeting.

**08. VOCATIONAL REHABILITATION - MAVIS YOUNG BEAR:**

Ms. Young Bear gave an update on her program. She said two of the Vocational Rehabilitation counselors and herself are enrolled in the San Diego State University called the Post Employment Training-American Indian Rehabilitation (PET-AIR) and she was asking for educational leave. They have requested this leave from Ms. Bernadine Young Bird before but she stated it would have to be approved by this committee. She said Jamie Hall and Gerald Fox are requesting educational leave on Friday afternoons.

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Ms. Pat Wilkinson suggested to have Ms. Bernardine Young Bird at the next meeting and address the Committee again. Ms. Mavis Young Bear inquired about her salary review. She stated she has not received a response from Personnel as of this date. She has received a vocational credential from the State of North Dakota for certification and she has the backup documentation. She was requesting a salary increase after looking at other tribal vocational rehabilitation staff's wages in the state. Ms. Young Bear has her Master's in Education, Guidance and Counseling. Discussion followed on the topic of an increase in wages and the procedure to use. There is money available in her budget for this increase. This will be brought to the full business council for approval.

**Committee member Daylon Spotted Bear motioned to recommend a salary review on Mavis Young Bear based on her experience, education and the documentation provided and for Florence Brady to attend the next Health & Human Resources Committee meeting for clarification on her salary scale. Seconded by Committee member Malcolm Wolf.**

**VOTE: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.**

**09. FOUR BEARS CASINO SURVEILLANCE:**

Four members of the Surveillance staff met with the Executive Committee on a grievance which was presented to the Human Resources Department and in which they felt it was not addressed properly or in a timely manner. It was the consensus of the Committee to refer this item to the Executive Committee for further action.

**Committee member Daylon Spotted Bear motioned to defer the Surveillance employees issue to the executive committee on Friday and to require all players be present, General Managers, Gaming, Chair, Health & Human Resource Director, and the Surveillance employees; to resolve this issue and the transition to also be discussed with a time line as to when it will be completed. Seconded by Committee member Malcolm Wolf.**

**VOTE: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.**

**10. KIDNEY DIALYSIS UNIT:**

Ms. Rebecca Cronis was told to come to this meeting by her supervisor to deliver the papers given to her at approximately 4:00 p.m. Ms. Cronis stated they would like to have them signed and dated that they were received today so a copy can be brought back to them. Chairman Phelan stated these are resignation papers of the nurses but the

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Committee can't sign them or it will be signed "subject to approval". Discussion ensued on this topic.

**Committee member Daylon Spotted Bear motioned to approve the minutes of February 09, 2001. Seconded by Committee member Malcolm Wolf.**


**VOTE:** 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.

**Committee member Malcolm Wolf motioned to adjourn at 6:00 p.m. Seconded by Committee member Daylon Spotted Bear.**

**VOTE:** 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion carried.

Approved by Committee this 11<sup>th</sup> day of July, 2001.

  
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V. Judy Brugh, Recording Secretary  
Health & Human Resources Committee  
Three Affiliated Tribes

**ATTEST:**  
  
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Randy Phelan, Chairman  
Health & Human Resources Committee  
Three Affiliated Tribes