

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, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of the Tribal Business Council and of other Tribal instrumentalities; and
- WHEREAS, On the 5th day of February, 1985, the Tribal Business Council, via Resolution # 85-29-C, formally approved and adopted certain legislative provisions entitled "Grievance Procedure," which provisions replaced and were substituted for those former provisions set forth in Section X of the Three Affiliated Tribes Personnel Policies and Procedures; and
- WHEREAS, During the conduct of two (2) regular Tribal staff meetings held subsequent to the formal adoption of said Grievance Procedure, certain amendments to the Grievance Procedure were proposed and approved by the Tribal staff members present at and participating in said meetings; and
- WHEREAS, It is the considered judgment of the Tribal Business Council that it would be advisable to adopt the amendments to the Grievance Procedure as proposed and approved by the Tribal staff members, so as to further ensure a fair, just, equitable, and expeditious procedure by which Tribal employees may attempt to resolve their respective grievances;
- NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby formally approves and adopts the following amendments to Section X of the Three Affiliated Tribes Personnel Policies and Procedures, entitled "Grievance Procedure":

Page 2, Subsection B 1

Amend as follows:

Presentation to Supervisor (or Program Director).

(a) The aggrieved employee shall present his or her grievance, in writing, to his or her supervisor within a period of five (5) business days from the date of the occurrence upon which the grievance is based. The supervisor shall acknowledge the receipt thereof by signature and shall note the date of receipt in writing.

(b) Within a period of three (3) business days from the date of receipt of the written grievance, the supervisor shall meet with the aggrieved employee and any other person directly involved in the grievance as identified by the aggrieved employee, for the purpose of being

apprised of the facts and circumstances surrounding the grievance and of attempting to resolve the matter to the satisfaction of all parties involved.

(c) On the business day next succeeding the date on which said meeting was held, the supervisor shall direct to the aggrieved employee, by hand or certified mail delivery, his or her written decision relative to the grievance.

(d) In the event that the aggrieved employee is dissatisfied with the decision rendered by the supervisor or the supervisor has failed to take the requisite action within the time period prescribed hereinabove, the aggrieved employee may pursue the next succeeding step within the procedure herein.

(NOTE: In those Departments within which are maintained Program Director positions, in addition to the Department Administrator and supervisor positions, the aggrieved employee shall present his or her grievance to his or her Program Director, in lieu of his or her immediate supervisor, and such Program Director shall assume the responsibilities inherent in processing the grievance pursuant to this Subsection.)

Page 5, Subsection 4 d

Amend as follows:

Upon receipt of the notice of hearing, each party to the grievance shall be obliged to identify and contact any and all witnesses he or she intends to have participate in and present testimony at the hearing and to submit to the Personnel Director, no later than twenty-four (24) hours prior to the commencement of the hearing, (1) a written list setting forth the names of any and all such witnesses, together with a brief description of the substance of the intended testimony of each such witness, and (2) copies of any and all documentary evidence which the party intends to introduce at the hearing.

Page 8, Subsection 6 i

Amend as follows:

At the conclusion of the hearing, the Grievance Committee shall ~~render a verbal decision on the grievance matter or, in the alternative, shall have the right to take the matter under advisement; provided, however, that in either case,~~ immediately commence and complete its deliberations without interruption and, upon the completion of deliberations and the rendering of its decision, shall verbally inform the parties of its decision. The Committee shall issue its written decision, which shall set forth its findings of fact, conclusions of law, and order, on the second business day next succeeding the date on which the hearing was held, upon the issuance of which copies thereof shall be directed to each party to the grievance by hand or certified mail delivery.

Pages 8 & 9, Subsection C 1

Amend as follows:

Any party to the grievance, who is aggrieved by the decision rendered by the Grievance Committee, shall have the right to appeal from such decision by filing a civil action against the adverse party in the Fort Berthold District Court within a period of ~~five (5)~~ ten (10) business days from the date on which the copy of the decision of the Committee was received.

Pages 9 & 10, Subsection D 6

Amend as follows:

No party to a hearing before the Grievance Committee shall, at any time prior to the commencement of the hearing, (1) personally, through any mode of communication, approach a member of the Grievance Committee for the purpose and with the intent of attempting to influence such member as to the disposition of the grievance at issue, or, (2) permit any member of his or her family to engage in such conduct. Any such party found to have violated this proscription shall be suspended without pay from his or her employment for a period of two (2) weeks. Written notice of such suspension shall be given to such party by the Personnel Director at the direction of the Grievance Committee.

Page 10, Subsection D 9

Amend as follows:

In those instances exclusively in which an employee has been laid off, suspended, or terminated from his or her employment, the aggrieved employee shall have the right to file directly with the Personnel Director a written request for a hearing before the Grievance Committee, without having, as a condition precedent thereto, to comply with the procedures prescribed in Subsections B1, 2, and 3, due to the relative severity of these respective ~~disciplinary~~ actions. Such hearing request shall set forth the specific ground(s) for the grievance. In any such instance, the aggrieved employee shall so file such request within a period of twenty-four (24) hours from the time of receipt by the aggrieved employee of the letter of layoff, suspension, or termination. Upon the filing of the request, a hearing before the Grievance Committee shall be set for the earliest practicable date pursuant to the procedure prescribed hereinabove and with the concurrence of each party to the grievance and the hearing as originally scheduled shall, under no circumstances, be continued to a subsequent date.

Page 11, Subsection D 11

Amend as Follows:

Upon receipt of notification of his or her selection or designation as a member of the Grievance Committee, no such member shall inform any other individual as to his or her selection or designation prior to the commencement of the hearing; provided, however, that the Personnel Director shall inform the respective supervisor of each member as to his or her selection or designation for department staff scheduling purposes.

Page 11, Subsection D 17 (New)

To Read as Follows:

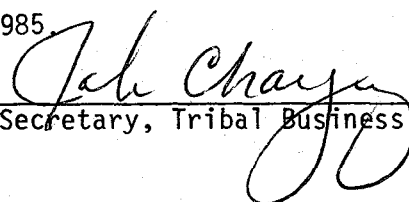
In the event that any of the supervisory personnel involved in the administrative procedure prescribed in Subsections B1, 2, and 3 (i.e., the respective supervisor, Program Director, Department Administrator, or Personnel Director) is absent from his or her place of employment during the applicable stage of such procedure, that individual, employed in the program or department within which a grievance has been filed, who has been appointed or designated by the absent supervisory person to act on his or her behalf during such absence, shall act on his or her behalf with regard to assuming the responsibilities inherent in the administrative procedure.

BE IT FURTHER RESOLVED, That the amendments to the Grievance Procedure set forth immediately hereinabove shall become effective immediately.

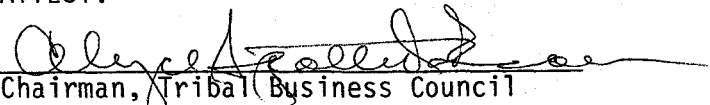
CERTIFICATION

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 11 members of whom 7 constitutes a quorum, 10 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 29 day of APRIL, 1985; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 10 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 30th day of April, 1985.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council