

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
- 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 6, section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies; and
- WHEREAS, The 1985 Amendments to the Fair Labor Standards Act require that all state and local governments be in compliance with the provision of said Act on April 15, 1986 despite the fact that the Department of Labor (DOL) has not yet issued regulations defining and explaining such; and
- WHEREAS, The current Three Affiliated Tribes Personnel Policies and Procedures Manual is not in compliance with the Fair Labor Standards Act in regard to the provision of overtime compensation and compensatory time; and
- WHEREAS, The Fair Labor Standards Act requires that overtime pay be paid at a rate of not less than one and one half times the non-exempt employees regular rate of pay for each hour worked in a workweek in excess of 40 hours; and
- WHEREAS, The 1985 Fair Labor Standards Act amendments allow a state or local government to grant employees compensatory time off in lieu of overtime paid if the compensatory time is given at a premium rate of time and one half.
- NOW, THEREFORE BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the provisions of the 1985 Amendments to the Fair Labor Standards Act and authorizes the incorporation of such amendments into the Tribal Personnel Policies and Procedures Manual; and
- BE IT FURTHER RESOLVED that the effective date of compliance with overtime compensation and compensatory time provisions of the Fair Labor Standards Act shall be April 15, 1986.

Three Affiliated Tribes
Personnel Policies and Procedures
Proposed Amendment

F. OVERTIME AND COMPENSATORY TIME

An employee's supervisor/department administrator shall determine whether it is necessary for employees to work overtime hours. Employees shall be required to perform all overtime hours assigned to them by their supervisor. No employee, except those engaged in emergency response activities, shall work overtime hours until they have received prior authorization from their supervisor/department administrator.

The supervisor/department administrator shall have the option of providing either overtime compensation or compensatory time off to employees who work overtime and shall notify employees accordingly prior to the performance of overtime work.

If overtime hours are compensated with time off, compensatory time shall be provided at a rate of one and one-half hours for each hour of overtime employment. For hours worked after April 15, 1986, compensatory time may be accumulated to a maximum of 240 hours (the equivalent of 20 working days for employees with eight-hour work days), or to a maximum of 480 hours (the equivalent of 40 working days for employees with eight-hour work days) if the work is in a public safety activity, an emergency response activity, or a seasonal activity. Any employee who, after April 15, 1986, has accrued 480 or 240 hours, as the case may be, of compensatory time off shall be paid overtime compensation for additional overtime hours of work. If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives the compensation.

If overtime hours are compensated in cash, payment shall be made in accordance with: (1) current policy for all overtime hours worked on or before April 14, 1986, and (2) Section 7 of the Fair Labor Standards Act for all overtime hours worked on or after April 15, 1986.

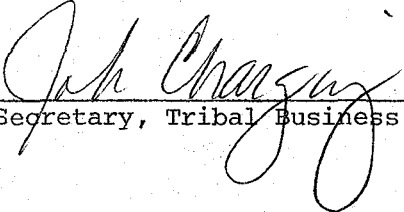
Upon termination of employment, employees who have accrued compensatory time after April 15, 1986, shall be paid for unused compensatory time at a rate of compensation not less than: (1) the average regular rate received by the employee during the last three years of the individual's employment, or (2) the final regular rate received by the employee, whichever is higher.

Employees who have accrued compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt the operations of the employee's office or department.

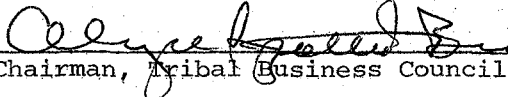
CERTIFICATION

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, 8 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 6th day of MAY, 1986; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 8 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 6th day of MAY, 1986


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council