

APRIL 2002 CROW TRIBAL LEGISLATURE

LEGISLATIVE RESOLUTION NO. LRO216

MAY 23 2002

INTRODUCED BY: Angela Russell

LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE
AMENDING THE REPRESENTATIVE ABSENTEE POLICY FOR THE CROW
TRIBAL LEGISLATURE

WHEREAS, the Crow Tribal Legislature is authorized to adopt resolutions, regulations and guidelines for the governance of the Crow Tribe of Indians, pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians, approved by the Secretary of Interior on July 14, 2001; and

WHEREAS, the Crow Tribal Legislature previously adopted an Absentee Policy for the Legislature; and

WHEREAS, the Absentee Policy currently does not set forth the proper procedure for amendments to the Policy; and

WHEREAS, the Crow Tribal Legislature finds it to be in the best interest of the Crow Tribe to amend the Absentee Policy to provide further guidance on how to make future amendments to the Policy.

BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE:

THAT, the Crow Tribal Legislature hereby amends the Representative Absentee Policy for the Crow Tribal Legislature as follows:

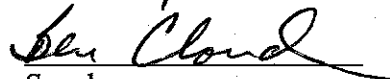
"VIII. Amendment.

This policy may be amended from time to time by the Crow Tribal Legislature in the form of a Legislative Resolution upon a majority vote of all votes cast."

FINALLY, the Crow Tribal Legislature directs that the amended Absentee Policy shall be effective upon approval by majority vote of the Crow Tribal Legislature.

CERTIFICATION

I hereby certify that this Legislative Resolution was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and abstained and that a quorum was present on this 23 day of MAY, 2002.


Speaker
Crow Tribal Legislature

Bill or resolution number LR0216

Introduced by Angela Russell

MAY 23 2002
Date of Vote

Representative	Yes	No	Abstain	No Vote
Bull Tail	—	—	—	—
Costa	✓	—	—	—
Crooked Arm	✓	—	—	—
Little Light	✓	—	—	—
Plain Feather	✓	—	—	—
Stewart	✓	—	—	—
Not Afraid	✓	—	—	—
Goes Ahead	✓	—	—	—
Hogan	✓	—	—	—
Old Elk	—	—	—	—
Passes	—	—	—	—
Pease	✓	—	—	—
Medicine Horse	✓	—	—	—
Russell	✓	—	—	—
Real Bird	✓	—	—	—
Black Hawk	✓	—	—	—
Stone	✓	—	—	—
Cloud	✓	—	—	—
Results (If tie vote)	15	0	0	—
Vice Chair Goes Ahead	—	—	—	—
Results	—	—	—	—

Result of vote:

Passed

Not Passed

Tabled

Veto Override

Signature of Officer:

Ben Cloud

Date:

5-23-02

EXHIBIT "A"

REPRESENTATIVE ABSENTEE POLICY OF THE CROW TRIBAL LEGISLATURE

I. Purpose.

This Policy is intended to govern the failure of members of the Crow Tribal Legislature ("Representatives") to attend duly called legislative sessions, including constitutionally required sessions and special sessions, of the Crow Tribal Legislature, by imposing various sanctions for unexcused absenteeism.

II. Definitions.

- A. "Excused Absence" shall mean failure to attend one day, or any portion thereof due to tardiness or other circumstances, of a duly called legislative session for good cause, including, but not limited to, situations where a Representative gives prior notification of the absence to the Speaker of the Legislature and receives prior approval, or providing post-justification and approval for the absence granted by the Speaker.
- B. "Legislative Session" or "Session" shall mean those duly called sessions of the Crow Tribal Legislature that are mandated by the Crow Tribal Constitution or have been specially called pursuant to procedures approved and adopted by the Crow Tribal Legislature.
- C. "Speaker" shall mean the Speaker of the Legislature, or his or her designee, or in the absence of the Speaker, the Speaker Pro Tem.
- D. "Unexcused Absence" shall mean failure to attend one day, or any portion thereof due to tardiness or other circumstances, of a duly called legislative session without providing prior notification to the Speaker and without receiving prior approval, or without receiving post-justification and approval for the absence granted by the Speaker.

III. Procedures for Approval of Absences.

- A. All Representatives should make every reasonable effort to be in attendance, in a prompt and timely manner, at every day of a Legislative Session.
- B. Prior Notification and Approval.
 - a. When a Representative has prior knowledge that he or she will be unable to attend any given day, or any portion thereof, of a Legislative Session, he or she must provide prior notification to the Speaker that he or she will be absent. Notification may be made by an adult member of the Representative's family.
 - b. The Speaker has discretion to approve the absence as an excused absence, or to deny the absence as an unexcused absence, given the particular circumstances surrounding the absence. The Speaker's discretion shall be applied in a nondiscriminatory, uniform manner to

all Representatives. As a guideline, the following situations should generally be approved:

- i. Medical appointments for the Representative him or herself, provided that the Representative made substantial, but unsuccessful, efforts to schedule the appointment when the Legislature is out of session.
- ii. Medical appointments for members of the Representative's family, provided that the Representative has made substantial, but unsuccessful, efforts for another individual to accompany the family member to the appointment.
- iii. Out-of-town travel, provided that the Representative has made substantial, but unsuccessful, efforts to schedule the trip when the Legislature is out of session.

C. Post-Justification.

- a. When a Representative does not have prior knowledge that he or she will be unable to attend any given day, or any portion thereof, of a Legislative Session, he or she must provide justification to the Speaker within five (5) working days of the absence. Justification may be made by an adult member of the Representative's family.
- b. The Speaker has discretion to approve the absence as an excused absence, or to deny the absence as an unexcused absence, given the particular circumstances surrounding the absence. The Speaker's discretion shall be applied in a nondiscriminatory, uniform manner to all Representatives. As a guideline, the following situations should generally be approved:
 - i. Personal emergencies, including, but not limited to, medical emergencies, illness, and travel emergencies.
 - ii. Family emergencies, including, but not limited to, death of a family member or close friend, medical emergencies, and illness of a family member, provided that the Representative has made substantial efforts for another individual to care for the sick family member.
- c. The Speaker is authorized to request additional information to verify and determine whether the absence should be excused.
- d. The Speaker must approve or deny the absence within five (5) working days of receiving the justification.

D. Each Representative is entitled to a total of four days worth of excused absences, with pay, per Legislative Session. Any absence(s) in excess of four days, even if the absence is excused, shall result in the Representative receiving no pay for the absence(s), in accordance with Section IV (C) herein.

IV. Unexcused Absences.

- A. If a Representative fails to attend one day, or any portion thereof, of a legislative session without providing prior notification to the Speaker and without receiving prior approval, or without providing justification for the

absence within the required five (5) working days and receiving post-approval by the Speaker, he or she shall receive an unexcused absence.

- B. Unexcused Absences shall result in the Representative receiving no pay for the absent day, or portion thereof.
- C. Unexcused Absences shall be so noted on the Representative's time sheet and one (1) hour of pay shall be deducted for each hour of absence.

V. Appeal.

If the Speaker denies an absence as unexcused under Section III(C) or Section IV(A), the Representative who was absent may appeal the Speaker's decision by bringing the matter before the Legislature at a duly called meeting, provided a quorum is present. The appeal must be seconded. Thereafter, the Speaker shall restate his decision and submit the matter to the judgment of the Legislature. The decision shall then be subject to debate by the Legislature, during which the Speaker may state his reasons for the decision and the Representative who was absent may provide justification. Upon conclusion of debate, a vote shall be taken, and the decision of the Speaker shall be reversed if the majority of all votes cast are in favor of the appeal. This vote shall be final.

VI. Sanctions.

In addition to the above procedures for pay deductions, the Crow Tribal Legislature is authorized to discipline and/or regulate the conduct of its members, including excessive absenteeism, through the imposition of sanctions, upon the adoption of a Legislative Code of Ethics by the Crow Tribal Legislature.

VII. Removal and Recall.

- A. If a Representative's absenteeism becomes excessive to the point that his or her removal is sought, such removal may occur only in compliance with the provisions set forth in Article VIII, Section 2, of the Crow Tribal Constitution and any policy duly adopted by the Legislature to govern such removal.
- B. If a Representative's absenteeism becomes excessive to the point that his or her recall is sought, such recall may occur only in compliance with the provisions set forth in Article VIII, Section 3, of the Crow Tribal Constitution and any election ordinance duly adopted by the Legislature Branch.

VIII. Amendment.

This policy may be amended from time to time by the Crow Tribal Legislature by resolution upon a majority vote of all votes cast. Any amendments shall be effective immediately upon approval of the resolution by the Legislature and certification by the Speaker.