

**SEPTEMBER 29, 2022 SPECIAL SESSION OF THE
CROW TRIBAL LEGISLATURE**

LR NO. LR 22-28

Introduced by the Finance Committee

A LEGISLATIVE RESOLUTION TITLED:

“A RESOLUTION OF THE CROW TRIBAL LEGISLATURE APPROVING ONE-TIME REQUEST FOR COMPENSATION IN LIEU OF ANNUAL LEAVE.”

WHEREAS The Crow Tribal Legislative Branch is a separate and distinct branch of government under the 2001 Constitution of the Crow Tribe; and

WHEREAS the Crow Tribal Legislature (hereinafter "Legislature") has the power and duty under Article V, Section 2 of the Crow Tribal Constitution to promulgate and adopt resolutions in accordance with the Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS the constitutional power and duty of the Legislature is exercised in accordance with the doctrine of separation of powers from the other branches of Crow Tribal Government; and

WHEREAS the Health and Human Services Committee of the Crow Tribal Legislature has been delegated the authority and duty to make decisions, and/or recommendations to the body for decision, on certain personnel matters arising within the Legislative Branch, under; and

WHEREAS Kenny Pretty on Top, Sergeant at Arms for the Legislative Branch (the “Employee”), recently made a request to have 226 hours of the 386 hours of accrued annual leave showing on his most recent pay stub paid out to him, in lieu of taking leave; and

WHEREAS the Legislative Branch adopted a “Crow Tribal Legislative Branch Personnel Practices and Policy Manual” (the “Policy Manual”) in 2008, under LR 08-06; and

WHEREAS Section 9.2 of the Policy Manual, provides in pertinent part that “...no more than 160 hours may be carried forward from one calendar year to the next...[t]he employee will be required to use or lose unused annual leave balance in excess of 160 hours” ...and “[n]o employee is permitted to buy-out or be compensated for annual leave in lieu of taking the time off, unless written approval from the Speaker through the Legislative Body”; and

WHEREAS this 14-year-old Policy Manual is in need of numerous corrections, clarifications, updates, and amendments, but appears to authorize an employee to be

compensated for annual leave in lieu of taking time off upon written approval from the Speaker through the Legislative Body; and

WHEREAS the Health and Human Services Committee reviewed the Employees request, in consideration of Section 9.2 of the Policy Manual, the fourteen years of faithful service the Employee has dedicated to the Legislative Branch, and his consistent propensity throughout those years, to temporarily take on such additional duties, as needed and requested by the Branch, without any complaint whatsoever; and

WHEREAS following deliberation on the foregoing, the Health and Human Services Committee determined by majority vote that it is in the best interests of the Legislature and the Employee, to recommend that the Speaker approve, through the Legislative Body, a modified version of the Employee's request, in accordance with the constitutionally derived powers of the Legislative Branch and the Policy Manual.

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE
IN SPECIAL SESSION:**

That the request made by Kenny Pretty on Top, Sergeant at Arms for the Crow Legislative Branch, is modified and approved as follows:

1. The Employee shall be paid out 226 hours of his accrued annual leave.
2. The Employees remaining balance of annual leave shall be reduced from 160 hours to 80 hours, at which point, the employee shall resume accumulating annual leave at the normal rate established by the Policy Manual.

BE IT FURTHER RESOLVED:

The policy of the Legislative Branch is hereby clarified that all annual leave accrued by a member of the Legislative Branch staff, shall be capped annually at 160 hours, and any hours over that cap, which have not been used by the turn of the year, shall be considered lost forever, regardless of whether or not Tribal Finance properly applies this policy, and/or what may otherwise be reflected on an employee's paystub.

BE IT FINALLY RESOLVED:

That the approval granted hereunder is for one-time only. This resolution shall take effect immediately upon becoming duly adopted by the Legislature and a certified copy shall be immediately delivered to payroll and the Tribal CPA by the Secretary of the Legislature.

CERTIFICATION

I hereby certify that this Legislative Resolution entitled: “**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE APPROVING ONE-TIME REQUEST FOR COMPENSATION IN LIEU OF ANNUAL LEAVE**” was duly adopted by the Crow Tribal Legislature with a vote of 12 in favor, 0 opposed, and 4 abstained and that a quorum was present on the 29th day of September, 2022.



Hon. Sen. Darwin Spotted, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



Hon. Sen. Brandon Good Luck
Secretary
Crow Tribal Legislature





"A RESOLUTION OF THE CROW TRIBAL LEGISLATURE APPROVING ONE-TIME REQUEST FOR COMPENSATION IN LIEU OF ANNUAL LEAVE."

Bill or Resolution LR 22-28 Introduced by: Health & Human Services Date of Vote September 29, 2022

REPRESENTATIVE:	Yes	No	Abstain
V. Pickett	<u>X</u>	<u> </u>	<u> </u>
D. Spotted <i>Speaker of the House</i>	<u>X</u>	<u> </u>	<u> </u>
C. Other Medicine	<u>X</u>	<u> </u>	<u> </u>
Y. Little Light	<u>X</u>	<u> </u>	<u> </u>
L. Hogan	<u> </u>	<u> </u>	<u> </u>
C. Meeks	<u>X</u>	<u> </u>	<u> </u>
D. Don't Mix	<u>X</u>	<u> </u>	<u> </u>
H. Small	<u>X</u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> </u>	<u> </u>	<u>X</u>
P. Alden	<u>X</u>	<u> </u>	<u> </u>
C. Takes Enemy	<u>X</u>	<u> </u>	<u> </u>
T. Plainfeather	<u>X</u>	<u> </u>	<u> </u>
J. Kills Pretty Enemy	<u> </u>	<u> </u>	<u>X</u>
S. DeCrane	<u> </u>	<u> </u>	<u>X</u>
B. Hugs	<u> </u>	<u> </u>	<u> </u>
N. Old Crow, Jr	<u>X</u>	<u> </u>	<u> </u>
B. Good Luck <i>Secretary of the House</i>	<u> </u>	<u> </u>	<u>X</u>
H. MaleBear-Stone	<u>X</u>	<u> </u>	<u> </u>
TOTAL	<u> </u>	<u> </u>	<u> </u>

Result of Vote: **Passed** Not Passed Tabled Veto-Override

 9/29/22  9/29/22
 Senator Darwin Spotted, Sr. Date Senator Brandon Good Luck Date
 Speaker of the House Secretary of the House
 Crow Tribal Legislative Branch Crow Tribal Legislative Branch