

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council is aware that on December 7, 1987, the position of Cibecue Complex Supervisor was abolished and its support staff was made subject to reassignment by executive order of Chairman Reno Johnson, Sr; and

WHEREAS, Councilmember Judy Dehose in her capacity as an employee of the White Mountain Apache Tribe has pursued through the tribe's established grievance procedure a grievance against the Tribe as an employer and has alleged that the abolishment of the Cibecue Complex Supervisor position was beyond the executive authority of Chairman Johnson and has asked that the position be reinstated and that she be reinstated as Supervisor; and

WHEREAS, a Grievance Committee hearing has been held and all applicable administrative remedies have been exhausted by Ms. Dehose; and

WHEREAS, the Tribal Council is the final level of appeal for this grievance matter and the decision of the Tribal Council concerning the matter will be final and it is the desire of the Tribal Council to finally dispose of this issue; and

WHEREAS, the Tribal Council has considered the arguments made by Ms. Dehose as found in the record of proceedings and has considered the arguments of the Tribes Legal Department and is aware of the facts and is well advised in the situation.

THEREFORE BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby makes the following findings of fact:

1. That the position of Cibecue Complex Supervisor was created by executive action of the Tribal Chairman in June of 1984.
2. Section 4 (2) of the Tribal Personnel Policies and Procedures Manual, which sets forth the authority and administration of the personnel system and which lists the authority of the Tribal Council to among other things "grant final approval for the establishment or abolishment of permanent positions", does not apply to the Cibecue Complex position because it was created by executive order of the Tribal Chairman.

3. The position of Cibecue Complex Supervisor is a non-essential position and duplicates many functions being carried out by other tribal departments and it is in the best business interest of the White Mountain Apache Tribe that the position be eliminated.
4. The decision to abolish the Cibecue Complex Supervisors position and its support staff is within the executive discretion and scope of duties of Chairman Reno Johnson Sr as Chief Executive Officer of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED that the decision of Chairman Johnson to abolish the Cibecue Complex Supervisor's position is hereby affirmed and the position shall not be budgeted for in the tribe's 1988/89 budget year.

BE IT FURTHER RESOLVED that the Personnel Department shall review the Personnel Policies and Procedures and make recommendations to the Tribal Council regarding positions established by executive authority, and this resolution shall henceforth be incorporated into the Tribal Personnel Policies and Procedures Manual.

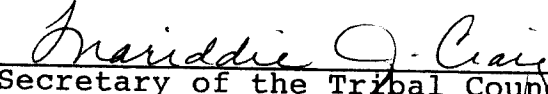
The foregoing resolution was on April 27, 1988, duly adopted by a vote of EIGHT for and THREE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1(i),(k) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council

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Fort Apache Indian Agency
Whittetvor, Arizona


Secretary of the Tribal Council