

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

- WHEREAS,** the Tribal Council has adopted a Tribal Personnel Policies and Procedures Manual to establish a system of personnel administration that meets the social, economic and program needs of the White Mountain Apache Tribe; and
- WHEREAS,** the Personnel Policies apply to all White Mountain Apache Tribal positions except the following: (1) contract employees, (2) employees appointed to special work projects, (3) employees whose positions are exempt by tribal resolution, (4) emergency or disaster employees, (5) livestock association employees, and (6) members of the Tribal Council and other officials who are elected by popular vote as defined by the Tribal Constitution; and
- WHEREAS,** the Tribal Council on May 25, 1995, adopted Resolution No. 05-95-177 which made all Tribal Enterprise Managers exempt from the grievance procedures and Tribal Personnel Manual, and further, specifies that Enterprise Managers have no right to formally appeal a Personnel action which affects their employment with the tribe; and
- WHEREAS,** attorneys under contract with the Tribe are also exempt from the tribal grievance procedures outlined in the Tribal Personnel Manual because said contracts provide for termination without appeal; and
- WHEREAS,** clients of attorneys in the private sector may terminate the employment of an attorney with or without cause, and a Tribe as a client should not have any less right; and
- WHEREAS,** the Tribal Council concludes that attorneys who are employees of the Tribe but not under contract should be categorized as at-will employees, subject to termination by the Tribal Chairman or his designee and that attorney employees of the Tribe should be exempt from the grievance procedures in the Tribal Personnel Manual, and that said attorney employees will have no right to formally appeal a personnel action which affects their employment with the Tribe; and
- WHEREAS,** the Tribal Council further concludes that it would not be in the best interest of the Tribe to provide for grievance procedures for attorneys employed by the Tribe as the unique attorney-client relationship does not lend itself to grievance procedures and an adverse relationship between the Tribe and attorney employees is not in the best interest of the Tribe; and

WHEREAS, characterizing attorney employees of the Tribe as employees at-will will allow the Tribe to recruit and retain attorneys that best serve the interests of the White Mountain Apache Tribe; and

WHEREAS, the Tribal Council concludes that the Tribal Personnel Policies should be amended immediately to establish that all attorney employees of the Tribe are employees at-will and exempt from the grievance procedures in the Tribal Personnel Manual, and that attorney employees have no right to formally appeal a personnel action which affects termination of employment with the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that all attorney employees of the Tribe shall be exempt from the grievance procedures outlined in Section 13 of the Tribal Personnel Manual, that attorney employees of the Tribe shall henceforth be considered employees at-will, subject to termination with or without cause by the Tribal Chairman or his designee.

BE IT FURTHER RESOLVED by the Tribal Council that this Resolution shall be effective immediately.

BE IT FURTHER RESOLVED that the acts and deeds of the members of the Tribal Council necessary to carry out the intent and purpose of this resolution be, and the same are hereby ratified, confirmed and adopted as the acts and deeds of the Tribe.

The foregoing resolution was on December 20, 1995 duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (d), (i), (k), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council