

Resolution No. 12-91-347RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the White Mountain Apache Tribe has enacted a Labor Code and Tribal Employment Rights Ordinance to enhance the employment opportunities of Indians living on the Fort Apache Indian Reservation. The employment of both member and non-member Indians living on the Reservation is of utmost concern to the Tribal Council. The wages earned by employees working on the Reservation have a direct impact on the health, welfare, and safety of the Tribe as a whole; and
- WHEREAS, many workers employed by non-tribal employers on the Fort Apache Indian Reservation work on the seasonal basis or work project to project with little or not job security, the wages they earn are essential to their daily lives and the support of their families; and
- WHEREAS, some off-reservation employers doing work on the Fort Apache Indian Reservation withhold retirement benefits, and fringe benefits in a Benefit Trust Plan until the project is completed or the employee is terminated; and
- WHEREAS, most seasonal or project employees do not benefit from these trust plans due to the nature of their employment circumstances and that because these employees work for relatively short periods of time, they are not able to build up a retirement account or benefits from the land term tax savings and benefits that such programs afford long term, permanent employees; and
- WHEREAS, in the particular instance of Blaze Construction, the Trust Plan mandates that an employee wait six (6) months after being terminated from the job to apply for and receive the withholdings; and
- WHEREAS, the wait for benefits hurts the financial security of the employee and the economic stability of the tribe and reservation and therefore the Tribal Council concludes that employers who utilize such Benefit Trust Plans do so in opposition to the best interests of short-term employees.

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BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the foregoing described Trust Plans, including but not limited to those which require a lengthy wait to withdraw benefits and which charge monthly maintenance fees and application fees, are hereby declared to be against the best interest of the White Mountain Apache Tribe and those who live and work on the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that if an employer has such a plan, as herein described the employer should either allow the employee to elect whether or not to participate in such plans or make arrangements for funds to be deposited in an escrow account, so that employees may (1) receive their withholding within fourteen (14) days of termination of employment or (2) to allow the employee to receive, same with each paycheck.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney to draft an amendment to the Tribal Labor Code in accordance with the declared policy set forth in this resolution.

The foregoing resolution was on December 19, 1991, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (1) 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



Secretary of the Tribal Council