

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

- WHEREAS,** the White Mountain Apache Tribe Personnel Policies and Procedures provide that eligible full-time employees accrue four hours of sick leave every pay period; and
- WHEREAS,** the accrued sick leave hours are intended to compensate an employee for those hours during which he or she is unable to attend work due to illness; and
- WHEREAS,** in addition to assuring the security of a steady income to the employee, the policy is designed to allow the employee to take the necessary time off to recover from illness and avoid spreading a potentially contagious illness to other workers; and
- WHEREAS,** some employees have sought to have their unused sick leave hours redeemed for cash upon retirement, termination or other circumstances; and
- WHEREAS,** allowing employees to receive full payment for unused sick leave hours would be prohibitively costly for the Tribe; and
- WHEREAS,** payment for unused sick leave hours was never intended in the formulation of the Tribal Personnel Policies, which state that unused sick leave is not payable upon termination; and
- WHEREAS,** the Tribal Council acted contrary to this policy in recently granting the pay-off of accrued and unused sick leave hours to a retiring tribal employee who had appeared before the Tribal Council and requested same in person; and
- WHEREAS,** based upon and subsequent to that action, another former tribal employee, Lavonne Walker, previously employed at the Whiteriver Grocery Store, has on two occasions come before the Tribal Council to seek payment for 200 hours of unused sick leave; and
- WHEREAS,** the Tribal Council hereby wishes to reaffirm its policy prohibiting payment of unused sick leave hours; and

**Resolution No. 01-97-005**

**WHEREAS,** Ms. Walker's in person request to the Tribal Council for payment, made prior to this declaration reaffirming tribal policy prohibiting payment of unused sick leave was made in reliance upon the apparent change of policy evidenced by the Tribal Council's authorization for payment of sick leave hours to a retiring Tribal employee; and

**WHEREAS,** Ms. Walker's request is the only pending request that was presented in person to the Tribal Council following the Council's prior payment of unused sick leave hours; and

**WHEREAS,** in the interest of fairness, the Tribal Council will grant Ms. Walker's request, with the understanding that hereafter the policy reaffirmed today shall apply to all requests for payment of sick leave.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby grants the payment of 200 hours of accrued sick leave to former Whiteriver Grocery Store employee, Lavonne Walker, to be paid at her rate of pay as of the date of her termination from Tribal employment.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that because the sole purpose of the sick leave policy is to compensate employees who are unable to attend work due to illness, it hereby declares and reaffirms as tribal policy that hereafter, there shall be no payment under any circumstances to an employee for accrued and unused sick leave.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Personnel Office, Legal Department, and Planning Department to review the sick leave policy, including an examination of: 1) the relationship of sick leave to the long term and short term disability benefits; 2) any incentives to prevent abuse of sick leave; 3) the merits of a cap on the amount of sick leave which may be accrued; and 4) any distinctions which the Tribe may wish to draw between sick leave policy for the central Tribal Government and sick leave policy for any Tribal enterprise.

Resolution No. 01-97-005

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that notwithstanding the directive to prepare an analysis of the Tribal sick leave policy, such analysis and any recommendations shall not alter the determination reaffirmed today that under no circumstances shall Tribal employees be paid off for any unused and accrued sick leave.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the directives of this Resolution do rescind or alter the Council's previous resolution establishing conditions and limitations for the transfer of sick leave.

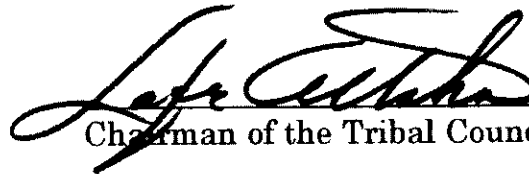
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it directs the Tribal Chairman to notify all departments and enterprises by Executive Order of this reaffirmation of policy concerning unused sick leave.

The foregoing resolution was on January 8, 1997, 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 the White Mountain Apache Tribal Constitution, including Article IV, Sections 1 (a), (i), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on 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).

**RECEIVED**

JAN 20 1997

WT APACHE INDIAN AGEN  
WHITERIVER, ARIZONA



Chairman of the Tribal Council



Secretary of the Tribal Council