

Resolution No. 12-2004-282

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

(Approval of back pay request for Tribal Member Leroy Massey)

WHEREAS, Leroy Massey requested back pay from Fort Apache Timber Company (FATCO) for differentials in past wages; and

WHEREAS, Mr. Massey was hired July 10, 2003 as a Common Laborer at the Large Log Mill Night Shift and was transferred to the Small Log Mill Day Shift as a Green Chain Puller at different hourly rate of pay; and

WHEREAS, during the period of Mr. Massey's employment at FATCO, all Form E's were pending for approval due to budget constraints; and

WHEREAS, Mr. Massey resigned May 21, 2004 and the Form E's were finally approved and processed after Mr. Massey left FATCO; and

WHEREAS, Mr. Massey did receive a back pay for 171.5 hours in wage difference per Tribal Resolution No. 01-2003-13 which states a limit of two pay periods on back pays; and

WHEREAS, Mr. Massey has appealed to the Tribal Council for his full back pay; and

WHEREAS, FATCO verifies Mr. Massey is still owed \$1,730.60 in back pay of wages according to the calculation attached and incorporated by this reference.

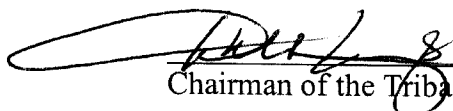
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the back pay request of Leroy Massey in the amount of \$1,730.60 according to the calculation provided by FATCO.

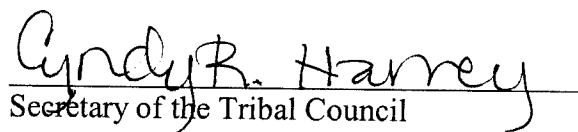
The foregoing resolution was on December 1, 2004, duly adopted by a vote of EIGHT for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (h), (i), (s), (t) and (u) of the Constitution of the Tribe, ratified by the 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).

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FORT APACHE INDIAN AGENCY
MEMPHIS, TENNESSEE


Chairman of the Tribal Council


Secretary of the Tribal Council

LEROY MASSEY SR.

1ST EFFECTIVE DATE: 10/20/03 TO \$8.82 ((N/S Green Chainpuller)

2ND EFFECTIVE DATE: 01/19/04 TO \$8.57 (day-SLM Green Chainpuller)

PAYROLL	HOURS	DIFF. RT	AMT	END DATE	RATE
PR 14	75.5	2.32	\$ 175.16	1-Nov	\$ 8.82
PR 15	31	2.32	\$ 71.92	15-Nov	\$ 8.82
PR 16	64	2.32	\$ 148.48	29-Nov	\$ 8.82
PR 17	70.5	2.32	\$ 163.56	13-Dec	\$ 8.82
PR 18	71.5	2.32	\$ 165.88	27-Dec	\$ 8.82
PR 19	57.5	2.32	\$ 133.40	10-Jan	\$ 8.82
PR 20	29	2.32	\$ 67.28	24-Jan	\$ 8.82
PR 20	36.5	2.07	\$ 75.56	24-Jan	\$ 8.57
PR 21	78	2.07	\$ 161.46	7-Feb	\$ 8.57
PR 22	80	2.07	\$ 165.60	21-Feb	\$ 8.57
PR 23	64	2.07	\$ 132.48	6-Mar	\$ 8.57
PR 24	76	2.07	\$ 157.32	20-Mar	\$ 8.57
PR 25	66	2.07	\$ 136.62	3-Apr	\$ 8.57
PR 26	77	2.07	\$ 159.39	17-Apr	\$ 8.57
876.5			\$ 1,914.11		

PR 01	73.5	paid at 9.82 should have read 8.57			
PR 02	66	paid at 9.82 should have read 8.57			
PR 03	32	paid at 9.82 should have read 8.57			
	171.5	2.32	\$ 397.88	PAID	

PR 01	73.5				
PR 02	66				
PR 03	32				
	171.5	1.25	\$ 214.38		
			\$ 183.51	OVER PAID	
			\$ 1,730.60	AMOUNT OWED	