

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL  
OF THE OGLALA SIOUX TRIBE  
(AN UNINCORPORATED TRIBE)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE AMENDING THE OGLALA SIOUX TRIBE PERSONNEL POLICIES AND PROCEDURES MANUAL, ORDINANCE NO. 18-22, AS AMENDED, TO REPLACE THE ADMINISTRATIVE OFFICERS IN THE OFFICE OF THE CHIEF OF STAFF WITH COMMITTEE PROGRAM MONITORS AND TO ESTABLISH PROCEDURES FOR THE SELECTION, REMOVAL, RESPONSIBILITIES, AND REPORTING OF THE COMMITTEE PROGRAM MONITORS.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Tribe and its members, and

WHEREAS, in the exercise of these powers, the Tribal Council enacted the Oglala Sioux Tribe Personnel Policies and Procedures Manual ("Manual") by Ordinance No. 18-22, on August 16, 2018, and since that time, the Tribal Council has enacted ordinances amending the Manual, and

WHEREAS, by motion and vote, on February 18, 2021, the Finance Committee of the Tribal Council recommended amending the Manual to replace the Administrative Officers in the Office of the Chief of Staff with Committee Program Monitors under the Standing Committees of the Tribal Council and to establish procedures for the selection, removal, responsibilities, and reporting of the Committee Program Monitors, and

WHEREAS, the Tribal Council agrees with the recommendation of the Finance Committee and has determined that it is in the best interests of the Tribe and its members to amend the Manual in the manner set forth herein; now

THEREFORE, BE IT ORDAINED, that the Oglala Sioux Tribal Council does hereby amend the Oglala Sioux Tribe Personnel Policies and Procedures Manual, O.S.T. Ord. No. 18-22, as amended (hereafter "Manual"), by adding a new Section 4-16 which shall read as follows (with additions underlined and in bold):

Section 4-16. Committee Program Monitors

(a) Establishment. There are hereby established six (6) Committee Program Monitors, with one Committee Program Monitor assigned to each of the six (6) Standing Committees of the Tribal Council.

(b) Appointment; Term. The Committee Program Monitors shall be political appointees of the Tribe who shall serve at-will. Each Committee Program Monitor shall be recommended by the Standing Committee to which the Committee Program Monitor is assigned and appointed by majority vote of the Tribal Council. The term of office of each Committee Program Monitor shall be for the term of office of the appointing Tribal Council. A Committee Program Monitor may be reappointed by majority vote of the Tribal Council. There shall be no limit on the number of terms to which a Committee Program Monitor may be reappointed.

(c) Primary Duties. The primary duties of each Committee Program Monitor shall be to:

1. Implement directives as they relate to the programs under the Standing Committee to which the Committee Program Monitor is assigned;
2. Provide technical assistance to the individual Program Directors as requested by the Standing Committee;
3. Assist in assessing and evaluating the management and performance of their programs on an annual basis or as needed upon request of Standing Committee;
4. Attend all Standing Committee meetings, to keep committee members informed of any programmatic issues, and to also collect any information pertaining to programs;
5. Assist the Standing Committee as directed, in resolving or addressing programmatic issues, and be required to submit monthly progress reports or as requested by Standing Committee; and
6. Perform other related duties as assigned by the Standing Committee.

(d) Reporting. Each Committee Program Monitor shall provide written reports to the Standing Committee to which the Committee Program Monitor is assigned on a monthly basis or more regularly if the Standing Committee so directs and the reports shall include such information as the Standing Committee may require.

(e) Supervision and Discipline.

1. Authority. The Committee Program Monitors may use offices within the Office of the Chief of Staff, but they shall not be subject to oversight, supervision, or discipline by the Chief of Staff or any other person in the Office of the Chief of Staff. The Committee Program Monitors shall be subject to day-to-day oversight by the Tribal Comptroller for routine administrative matters, such as approving travel requests, signing time sheets, and the like. The Standing Committee to which a Committee Program Monitor is assigned shall supervise and oversee the work of the Committee Program Monitor and shall have the authority to recommend disciplinary action to the Tribal Council. Only the Tribal Council shall have the authority to discipline, suspend, or terminate the employment of a Committee Program Monitor.

2. Process. The Tribal Council may discipline, suspend, or terminate the employment of a Committee Program Monitor only if:

A. The Standing Committee to which the Committee Program Monitor is assigned recommends such discipline, suspension, or termination; and

B. After considering the matter, a majority of the Tribal Council members present at a duly convened meeting of the Tribal Council votes to discipline, suspend, or terminate the Committee Program Monitor.

3. Finality. A decision by the Tribal Council to discipline, suspend, or terminate a Committee Program Monitor shall be final and there shall be no administrative or judicial appeals and the Committee Program Monitor shall have no right to grieve his or her discipline, suspension, or termination under the administrative grievance process in this Manual.

**(f) Job Descriptions. The job description for the Committee Program Monitors is appended to this Ordinance. The job description may be revised only by ordinance of the Tribal Council.**

BE IT FURTHER ORDAINED, that the Tribal Council does hereby abolish the following positions in the Office of the Chief of Staff: Administrative Officer for Health and Human Services Programs; Administrative Officer for Law and Order and Economic and Business Development Programs; and Administrative Officer for Land and Education Programs; and

BE IT FURTHER ORDAINED, to reflect the abolition of all Administrative Officer positions in the Office of the Chief of Staff, the Tribal Council does hereby further amend the Manual as follows:

- Section 4-1 is amended by striking the text of subsection (b) (Administrative Officer for Health and Human Services Programs), subsection (c) (Administrative Officer for Law and Order and Economic and Business Development Programs), and subsection (d) (Administrative Officer for Land and Education Programs) entirely and reserving those subsections for future use, and
- Section 4-3 (Administrative Officer for Health and Human Services Programs), Section 4-4 (Administrative Officer for Law and Order and Economic and Business Development Programs), and Section 4-5 (Administrative Officer for Land and Education Programs) are stricken entirely and those sections are reserved for future use, and
- Section 4-6 is amended by striking the words "Administrative Officers" therefrom, and
- Section 4-8 (Suspension and Termination of Administrative Officers) is stricken entirely and that section is reserved for future use, and
- Section 4-14 (Complaints Against Administrative Officers) is stricken entirely and that section is reserved for future use, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council does hereby amend Section 4-2 (Chief of Staff), subsections (a), (b) and (c), of the Manual to read as follows (with additions underlined and in bold and deletions in strikethrough and with no changes to subsections (d) and (e)):

(a) Appointment; Term. The Chief of Staff shall be a **political appointee** ~~negotiated contracted position~~ of the Tribe who shall serve at the will of the Tribal Council. The Chief of Staff shall be recommended by the President of the Tribe and appointed by two-thirds vote of the Tribal Council. There shall be no limit to the number of terms to which the Chief of Staff may be reappointed. The **appointment** ~~contract shall be subject to the provisions of this Ordinance and~~ shall be for a two-year term. The position of Chief of Staff is a ~~contracted position that is~~ not subject to the salary scale (Ordinance No. 17-22).

(b) Primary Duties.

1. The Chief of Staff shall provide support to the **Program Directors**. ~~Administrative Officers in the Office~~ ~~the Chief of Staff.~~
2. Except as set forth in Sections ~~4-8 and~~ 4-9 of this Manual, the Chief of Staff shall have supervisory and disciplinary authority over: ~~the Administrative Officers in the Office of the Chief of Staff;~~ the In-House Legal Counsel to the Chief of Staff; and the Officer Manager, Clerk/Receptionist, and Janitor in the Office of the Chief of Staff.
3. **Subject to the procedures** ~~Except as set forth in Section 4-10 of this Manual,~~ the Chief of Staff shall have supervisory and disciplinary authority over the Program Directors, **with the exception of Indirect Cost ("IDC") Program Directors over whom the Tribal Comptroller has supervisory and disciplinary authority under Section 4-11 of this Manual.**
4. **[Reserved]** ~~The Chief of Staff shall have supervisory and disciplinary authority over the Human Resources Director.~~

5. Except as set forth in this Manual, the Chief of Staff shall have the authority and duty to carry out all functions assigned to the Executive Director under the existing laws of the Tribe.
- (c) Reporting. The Chief of Staff shall provide a written report to the Tribal Council on a monthly basis, which shall include: a list of Program Directors whose employment was suspended or terminated by the Chief of Staff and the stated grounds for such suspensions or terminations; and ~~copies of written financial~~ such reports on the Tribal Programs ~~provided to the Chief of Staff by the Administrative Officers;~~ and such other information as the Tribal Council may require.

BE IT FURTHER ORDAINED, that the Tribal Council does hereby amend Section 4-10 of the Manual to read as follows (with additions underlined and in bold and deletions in strikethrough):

**Section 4-10. Suspension and Termination of Program Directors.**

- (a) Authority. Only the Chief of Staff shall have the authority to suspend or terminate the employment of a Program Director, with the exception of Indirect Cost ("IDC") Program Directors over whom the Tribal Comptroller has supervisory and disciplinary authority under Section 4-11 of this Manual.
- (b) Process. The Chief of Staff may exercise the authority to suspend or terminate the employment of a Program Director only if:
  1. The Chief of Staff prepares ~~Administrative Officer who supports and supervises the Program Director submits~~ a written recommendation ~~to the Chief of Staff~~ to suspend or terminate the Program Director, setting forth: the grounds for suspension or termination; the evidence in support of suspension or termination; an account of all prior disciplinary actions taken against the Program Director; and the reasons why alternatives to suspension or termination are not appropriate or allowable;
  2. The Chief of Staff provides a copy of the ~~Administrative Officer's~~ written recommendation to the In-House Legal Counsel to the Chief of Staff;


3. The In-House Legal Counsel to the Chief of Staff reviews the recommendation of the Chief of Staff, Administrative Officer, consults with the Chief of Staff, Administrative Officer, reviews other relevant documents or information, makes a determination that there are reasonable grounds, based on reasonably trustworthy information, to suspend or terminate the Program Director, and informs the Chief of Staff of that determination in writing; and
  - ~~4. The Chief of Staff agrees with the recommendation of the Administrative Officer to suspend or terminate the Program Director;~~
  - ~~5. The Chief of Staff complies with the administrative process set forth in this Manual prior to suspending or terminating the Program Director.~~
- (c) Exception to Procedures Requiring ~~Recommendation of Administrative Officer and~~ Review by In-House Legal Counsel. The Chief of Staff may exercise authority to suspend or terminate the employment of Program Directors absent the requirements of Section 10(b), but subject to the termination procedures set forth in Chapter 28 of the Personnel Policies and Procedures Manual, if the position ~~positions of Administrative Office and~~ of In-House Legal Counsel to the Chief of Staff has ~~have~~ not been filled. In such instance, the Chief of Staff shall ensure that the requirements of Section 10(b) are otherwise followed as closely as possible.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately and shall supersede, repeal, and replace all prior, inconsistent laws of the Oglala Sioux Tribe.


C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe, hereby certify that this Ordinance was enacted by a vote of: 16 For; 2 Against; 0 Abstain; 2 Not Voting; during a REGULAR SESSION held on the 24<sup>th</sup> day of FEBRUARY, 2021.

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STACY L. TWO LANCE  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

  
KEVIN KILLER  
President  
Oglala Sioux Tribe

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