



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 04-0303-90

Acceptance of COLA Policy for the Tribal Government and Superseding All Prior COLA Policies

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(j) to take legislative actions consistent with delegated powers; and

WHEREAS, the Tribal Council adopted resolution # 03-0423-105 which contained three directives:

- a. authorization to engage consultant to conduct a comprehensive review and revision of the Tribe's employment practices, processes, documents and salary structure;
- b. freezing the status of all current employees during the review and allowing exceptions to be requested by the Ogema and approved by the Tribal Council; and
- c. prohibiting new hires during the review and allowing exceptions to be requested by the Ogema and approved by the Tribal Council; and

WHEREAS, the Tribal Council adopted a COLA policy which was included in the *Government Operations Personnel Manual* that identified when COLA's would be paid and how the adjustments would be authorized; and

WHEREAS, the Ogema has presented a *COLA Policy* for adoption which identifies when COLA's will be paid, the calculation for the adjustments, and how they will be authorized; and

WHEREAS, the Tribal Council has reviewed the proposed *COLA Policy* and has determined that it is in appropriate form to be adopted and sets forth processes for a necessary governmental function;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians does hereby accept the attached *COLA Policy* for the Tribal government for immediate implementation.

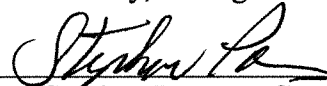
IT IS FURTHER RESOLVED THAT the Section 4.6 of the *Government Operations Personnel Policy Manual* are hereby superseded by adoption of this resolution.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 3, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Lisa M. McCatty, Acting Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court



LITTLE RIVER BAND OF OTTAWA INDIANS

COLA Policy SOP-600-01:HR-03

Purpose: To clearly identify the processes by which the Tribe compensates employees for fluctuations in the Cost of Living Adjustments (COLA) as identified by changes in economic conditions.

Policy: It is the policy of the Tribe to identify COLA changes two times a year, based on specific indexes, and aware those increases that may occur on specific dates.

Steps:

A. Calculation of COLA

1. *Formula.* COLA will be based on the Consumer's Price Index for January and July. The adjustment will be based on the index value for the period, less the value used for the previous calculation to determine an increase in the Consumer's Price Index.
2. *Last Value Use.* The reason to use the last value, rather than that presented in the current table, is that the current table contains previous figures that have been adjusted after the initial release. This increase in the Consumer's Price Index will then be calculated as a percentage increase or decrease.
3. *COLA Formula.* The formulas are as set forth below.
 - a. September COLA
 - Step 1. July (current year) - January (current year) = Adjustment
 - Step 2. Adjustment/January (current year) = COLA Percentage
 - b. March COLA
 - Step 1. January (current year) - July (prior year) = Adjustment
 - Step 2. Adjustment/July (prior year) = COLA Percentage

B. COLA Application

1. *COLA Application.* COLA's shall be calculated in February and August for application on March 1st and September 1st of each year.
2. *COLA Minimum; Negative.* The Controller shall identify when a COLA percentage is not applicable because the Consumer Price Index is lower than the prior month, either January or July, or when the percentage to be applied is less than 0.06%.
3. *Wage/Salary Scale.* COLA's shall be applied to the Wage/Salary Levels.

C. Action on Cost of Living Adjustment

1. *Documentation.* The Controller shall maintain, through the Payroll Accountant, the documentation upon which all COLA calculations are made. Such

documentation shall be maintained for the length of time required under Generally Accepted Accounting Principles or other guiding document.

2. *Resolution - COLA Increase.* The Controller, through the Ogema, shall present a resolution which identifies the COLA percentage to be applied, the calculation, and the application period to the Tribal Council prior to the application date.
3. *Notice - Minimal or No COLA Increase.* The Controller, through the Ogema, shall present a notice to the Tribal Council in the form of a memo which identifies the calculation for the COLA percentage and states that the COLA increase is under the minimum application, or that there was no increase in the Consumer's Price Index prior to the application date.

Approved –

Ogema – February 24, 2004

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