

April 2011 Regular Session of the Crow Tribal Legislature

Legislative Resolution No. LR11-06

Introduced by Senator C.J. Stewart, Black Lodge District

A Legislative Resolution Titled:

**A Resolution of the Crow Tribal Legislature to Support Fair and Just Wages
for all Crow Indian Workers at the Absaloka Mine**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature (“Legislature”) is authorized to adopt resolutions for the governance of the Crow Tribe of Indians pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians; and

WHEREAS, in 1974 the Crow Tribe, by and through the General Council, leased tribally-owned coal in the 1904 Ceded Strip to Westmoreland Resources, Inc. pursuant to the Indian Minerals Leasing Act of 1938; and

WHEREAS, the current lease agreement between Westmoreland and the Crow Tribe was negotiated by the Crow Executive Branch and given approval by the Legislature in 2004 pursuant to Article V, Section 2(d) of the 2001 Crow Constitution and which was entered into pursuant to the Indian Minerals Development Act of 1982; and

WHEREAS, Article 36 of the 2004 Lease Agreement (titled “Tribal Employment”) establishes a Crow tribal “priority right of employment” for hiring done by Westmoreland and its contractors and subcontractors, including a requirement that Westmoreland must pay the “prevailing wage rates for similar services in the area;” and

WHEREAS, the International Union of Operating Engineers, Local 400 Chapter, is the federally-recognized collective bargaining unit for the mine workers at the Absaloka Mine and shares with the Crow Tribe the common goal of ensuring fair and just wages are paid to the unionized workforce; and

WHEREAS, the Union is currently in negotiations with the management of Westmoreland on a new collective bargaining agreement, including the establishment of employee wages and benefits; and

WHEREAS, a majority of the unionized workforce are members of the Crow Tribe and the Legislature has a strong interest in ensuring that the mine operations continue in order to protect a major tribal revenue base, ensure a growing and viable mine workers’ pension, and to keep Crow heads of household in gainful employment; and

WHEREAS, the Legislature believes it is now appropriate to signal its strong support of the terms of the lease agreement, including and especially Article 36 as it pertains to the prevailing wage that must be paid.

Now, therefore, be it hereby resolved by the Crow Tribal Legislature in Regular Session:

That, the Crow Tribal Legislative Branch of Government requests and demands dutiful adherence by Westmoreland Resources, Inc. and any of its corporate officers and duly-authorized representatives, agents, and subsidiaries to all terms and conditions of the 2004 Lease Agreement during the course of current and any future negotiations with the International Union of Operating Engineers Local 400, especially and specifically the guarantee of paying prevailing wages to workers as provided for in Article 36 of the 2004 Lease Agreement.

Be it further resolved by the Legislature:

That, for the purpose of determining what constitutes the “prevailing wage rates for similar services in the area” in accordance with Article 36 of the 2004 Lease Agreement, it is understood by the Legislature that the phrase addresses the gross wages currently paid to heavy equipment operators, truck drivers, machinists, mechanics, electricians, and other skilled laborers employed full-time at the Spring Creek Mine, Rosebud Mine, and Decker Mine.

Be it further resolved by the Legislature:

That, for the purpose of determining a proper salary or wage rate for any and all Crow tribal members employed by Westmoreland Resources, Inc. and its subsidiaries and/or contractors who are employed in positions considered “supervisory, management, and staff” in accordance with Article 36(a) of the 2004 Lease Agreement, that such employees be paid at least the “prevailing wage rates for similar services” at the Spring Creek Mine, Rosebud Mine, and Decker Mine.


Be it finally resolved by the Legislature:

That, this Resolution shall take effect immediately upon its passage and that a certified copy be immediately delivered to the Westmoreland Resources, Inc. office on-site at the Absaloka Mine and to the parent company, Westmoreland Coal Company, at its corporate office in Colorado Springs, Colorado.

[Remainder of page left blank intentionally]

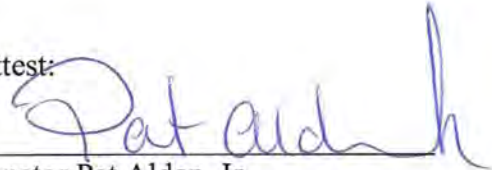
CERTIFICATION

I hereby certify that this LR11-06 was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 13TH day of **April 2011**.



Senator Manuel Covers Up, Sr.
Speaker of the House
Crow Tribal Legislature

Attest:



Senator Pat Alden, Jr.
Secretary
Crow Tribal Legislature



A Resolution of the Crow Tribal Legislature to Support Fair and Just Wages for all
Crow Indian Workers at the Absaloka Mine

Bill or Resolution: LR11-06 **Introduced by:** Senator Conrad J. Stewart **Date of Vote:** 4/13/2011
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
K. Shane	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 16 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed

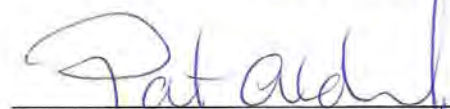
 Not Passed

 Tabled

 Veto-Override



 Senator Manuel Covers Up, Sr. Date
 Speaker of the House



 Senator Pat Alden, Jr. Date
 Secretary of the House