

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Job Security for Safe Ride Employees on the Tohono O'odham Nation)**

RESOLUTION NO. 99-469

1 **WHEREAS, the "Safe Ride" Program, currently owned and operated by Safe Ride Services,**
2 **Inc., has provided services for over 10 years for non-emergency medical**
3 **transportation services for members and residents of the Tohono O'odham**
4 **Nation; and**

5 **WHEREAS, a non-emergency medical transportation services program is essential to the**
6 **health and well-being of many members of the Nation who otherwise do not**
7 **have adequate transportation for necessary services; and**

8 **WHEREAS, the Legislative Council of the Tohono O'odham Nation has reviewed the Safe**
9 **Ride program, and has determined that it would be in the best interests of the**
10 **Nation for the program to be administered directly by the Nation; and**

11 **WHEREAS, the Legislative Council has approved funding for the purchase of capital assets**
12 **for this non-emergency medical transportation program, known as the**
13 **Division of Health Transportation Services, to be operated within the**
14 **Department of Health and Human Services of the Tohono O'odham Nation;**
15 **and**

16 **WHEREAS, the current employees of Safe Ride, who now provide services to residents and**
17 **members of the Tohono O'odham Nation, should not face job disruption when**
18 **the program moves from being a service provided through Safe Ride to being**
19 **a service provided directly through the Nation.**

20 **NOW, THEREFORE, BE IT RESOLVED that all Safe Ride employees currently assigned by Safe**
21 **Ride to provide services for members and residents of the Tohono O'odham**
22 **Nation shall, as of right, transfer their employment to the Division of Health**
23 **Transportation Services within the Department of Health and Human Services**
24 **of the Tohono O'odham Nation, and shall occupy substantially similar**
25 **positions within this department as they occupied during their employment**
26 **with Safe Ride.**

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1 **BE IT FURTHER RESOLVED that all such Safe Ride employees described in the preceding**
2 **paragraph shall not be required to competitively apply for these substantially**
3 **similar positions, but these positions shall presumptively be filled with such**
4 **Safe Ride employees and shall not be advertised as open positions.**

5 **BE IT FURTHER RESOLVED that all such Safe Ride employees described in the preceding**
6 **paragraphs shall not suffer a diminution in income from their Safe Ride**
7 **compensation levels.**

8 **BE IT FURTHER RESOLVED that all such Safe Ride employees described in the preceding**
9 **paragraphs shall be permanent employees of the Division of Health**
10 **Transportation Services and shall not be subject to probationary periods of**
11 **employment such as those described in Section 9 of the 1979 Personnel**
12 **Policies and Procedures Manual, accepted and adopted by the Tribal Council**
13 **in Resolution 5-79. Such employees shall, immediately upon hire, be eligible**
14 **for participation in all benefits plans currently offered to employees of the**
15 **Nation.**

16 **BE IT FURTHER RESOLVED that nothing in this Resolution prohibits the Department of**
17 **Health and Human Services from engaging in necessary and proper pre-**
18 **appointment procedures for transferring Safe Ride employees, so long as such**
19 **pre-appointment procedures do not have the effect of delaying the transfer**
20 **of Safe Ride employees to employment with the Nation so as to unreasonably**
21 **interfere with their job and income security. The Department of Health and**
22 **Human Services is hereby directed to effectuate necessary and proper pre-**
23 **appointment procedures for all transferring Safe Ride employees prior to**
24 **September 30, 1999 so that such transferring employees may commence work**
25 **on October 01, 1999.**

26 **BE IT FINALLY RESOLVED that this Resolution shall apply to the above-described Safe Ride**
27 **employees notwithstanding any provisions, regulations, or policies to the**

1 contrary regarding the general hiring procedures for new employees of the
2 Tohono O'odham Nation.

3 The foregoing Resolution was passed by the Tohono O'odham Council on the 03RD day of
4 SEPTEMBER, 1999 at a meeting at which a quorum was present with a vote of 1,399.9 FOR;
5 765.6 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the
6 Council by Section 1 (c)(2) of Article VI of the Constitution of the Tohono O'Odham Nation,
7 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting
8 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to
9 Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

3rd day of September, 19 99

ATTEST:



Julianna Sarafficio, Acting Legislative Secretary

3rd day of September, 19 99

Said Resolution was submitted for approval to the office of the Chairman of the Tohono
O'Odham Nation on the 3rd day of September, 19 99 at 2:52
o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution
and will become effective upon his approval or upon his failure to either approve or
disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

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APPROVED

on the 3rd day of September, 19 99

DISAPPROVED

at 4:20 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3rd day of

September, 19 99, at 5:06 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: JOB SECURITY FOR SAFE RIDE EMPLOYEES ON THE TOHONO O'ODHAM NATION

MOVED: COUNCILMAN DAVID GARCIA

SECOND: COUNCILWOMAN BARBARA SALVICIO

DATE: SEPTEMBER 03, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35		X		
	2. EVELYN JUAN ()	186.35		X		
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			
	2. AMBROSE ENCINAS ()	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			X
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8		X		
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05		X		X
	2. GLORIA RAMIREZ ()	64.05		X		
GU VO 160.0	1. FERN SALCIDO ()	80.0		X		
	2. GLORIA MONTANA (Phillip Antone)	80.0		X		X
HICKIWAN 158.1	1. ALEX JOSE** (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	1,399.9	765.6	-0-	[03]

**PASSED VOTES