

TABLED

Cherokee Council House
Cherokee, North Carolina

DEC 06 2018

Date

ORDINANCE NO. 432 (2018)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document, sect. 23 (Sept. 5, 1995) *see also* C.C. §117-10.

WHEREAS, the EBCI Tribal Council constitutes the Eastern Band of Cherokee Indian's Legislative Branch of government. C.C. §117-10.

WHEREAS, there is a need to take politics out of the hiring, assignment changes, and termination to ensure the best candidate is selected for employment.

WHEREAS, the Eastern Band of Cherokee Indians finds amending Cherokee Code, Ch. 96 is in the best interest of the Tribe.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present that the Tribal Council of the Eastern Band of Cherokee Indians amends Cherokee Code, Ch. 96, as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the provisions of the Ordinance which amend or adopt new sections of the Cherokee Code shall be codified by the Department of Justice. The Department of Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

BE IT FURTHER ORDAINED should any provisions of this Ordinance be determined invalid by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme Court, or any other court of competent jurisdiction, those portions of this Ordinance which are not determined invalid shall remain the law of the Eastern Band of Cherokee Indians.

BE IT FINALLY ORDAINED that all ordinances inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief or Vice-Chief. Charter and Governing Document, sect. 12 (Oct. 8, 1986).

Submitted by: Boyd Owl, Birdtown Representative

Cherokee Code

Chapter 96 – TRIBAL EMPLOYEES

Sec. 96-10. – Initial Employment.

- a. The initial employment shall be extended by the Human Resources Secretary, or their designee, to the individual selected by the Division Secretary if the selection is consistent with existing policies and criteria established for the job, except where the initial employment authority is specifically delegated.
- b. The Division Secretary and the program director or manager shall also approve the proposed pay rate before the initial employment is made to an applicant.
- c. The Division Secretary and the program director or manager shall not offer or approve employment if selection was made contrary to the Personnel Policies or the Cherokee Code.

Sec. 96-11. – Assignment Changes.

- a. Transfers. All transfer decisions shall be made in accordance with the Cherokee Code and EBCI Personnel Policies and Procedures. Program Managers shall make voluntary or involuntary transfers. An involuntary transfer shall be supported with adequate supporting documentation. Transfers become final once approved by the Human Resource Secretary.
- b. Promotions. The supervisor is responsible for submitting written promotion justification to the Human Resources Division. The Human Resources Division determines if the employee meets the position requirements. If the individual meets the positions requirements, the Human Resources Division shall approve the promotion and the salary. Promotions become final once approved by the Human Resource Secretary.

c. Demotions. The supervisor is responsible for submitting written demotion justification to the Human Resources Division. Involuntary demotions are grievable actions. Demotions become final once approved by the Human Resource Secretary.

Sec. 96-12. – Employment Termination. A supervisor shall notify the employee, in writing, of the discharge and the specific reasons for the discharge. The notice shall include all requirements of the EBCI Personnel Policies and Procedures. Terminations become final once approved by the Division Director and the Human Resources Secretary.