

TABLED

Cherokee Council House
Cherokee, North Carolina

DEC 05 2019

Date

ORDINANCE NO. 64 (2019)

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 remove politics out of corrective actions, assignment changes, and terminations to ensure employees are treated in a fair and consistent manner.

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. 49, 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BE IT FINALLY ORDAINED that all ordinances inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief or Vice-Chief.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: Chelsea Saunooke, Wofltown/Big Y Representative

Cherokee Code**Chapter 96 – TRIBAL EMPLOYEES****ARTICLE I. – IN GENERAL**

Sec. 96-13. – Corrective Action. A supervisor, in coordination with the Human Resource Division, shall follow the Eastern Band of Cherokee Indians Personnel Policies and Procedures Corrective Action Procedure. No Executive Committee member shall interfere with a supervisor exercising their responsibility to administer the Corrective Action Procedure.

Sec. 96-14. – 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 immediate 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 immediate 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.

1 **Sec. 96-15. – Employment Termination.** A supervisor shall notify the employee, in writing, of
2 the discharge and the specific reasons for the discharge. The notice shall include all requirements
3 of the EBCI Personnel Policies and Procedures. Terminations become final once approved by the
4 Manager and the Human Resources Secretary.