

**CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY**

Date

ORDINANCE NO. _____(2016)

WHEREAS, the Tribal Council of the Eastern Band of Cherokee Indians passed resolution 123 (2016) expressing its support for the development of "Oosti's Law", a paid 30 day leave status for expectant mothers and fathers; and

WHEREAS, the Office of the Attorney General in consultation with the Tribe's Human Resources and Benefits Office have drafted the following amendment to the personnel policy codified in Chapter 96 of the Cherokee Code; and

WHEREAS, consistent with legal interpretations under the federal and tribal Family Medical Leave Act have drafted this policy change to include both the birth of a new child as well as the adoption of a new child; and

WHEREAS, even though the general policy is not to amend Ch. 96 and the personnel policy during election years, there is an exception in Section 2.06 of the personnel policy that allows the Executive Office to present changes inside of an election year and seek Tribal Council approval for such.

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, that because it was Tribal Council's desire to see this law into effect on July 7, 2016 it finds good cause to approve the proposed change to the personnel policy and to amend Chapter 96 as follows:

Sec. 7.01A. MATERNITY/PATERNITY LEAVE

Maternity/Paternity leave is time off in pay status for up to 30 days for employees in connection with the birth or adoption of their child. If the employee is taking Tribal Family and Medical Leave pursuant to Sec. 7.07. then maternity/paternity leave and TFML shall run concurrently. This policy shall be effective on July 28, 2016.

BE IT FURTHER ORDAINED that the Tribe's Human Resources and Benefits Office shall work with the Tribe's Payroll Office to credit paid leave time to employees that took another form of leave for purposes of a new child's birth or adoption but would have qualified for Maternity/Paternity Leave as of July 28, 2016, or otherwise make available for employees who did not use leave but could have by qualifying under this policy as of July 28, 2016.

BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the Principal Chief, and all ordinances and resolutions that are inconsistent with this ordinance are rescinded.

Submitted by: Teresa McCoy, Big Cove Tribal Councilmember, on behalf of Cherokee families