

TABLED

Cherokee Council House
Cherokee, North Carolina
MAR 05 2020

Date

ORDINANCE NO. 155 (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, on February 1, 2018, Tribal Council removed the Eastern Band of Cherokee Indians (EBCI) Personnel Policies and Procedures from the Cherokee Code. *See* Eastern Band of Cherokee Indians Tribal Council Ordinance No. 61 (2018).

WHEREAS, there is a need to codify several sections regarding organizational structure and the personnel policy approval.

WHEREAS, the Personnel Policy Review Committee conducts the biennial review, however "amendments to this policy may be made from time to time as deemed necessary and appropriate by the Principal Chief, the Employment Office and the Attorney General. These amendments shall be approved by the Principal Chief." Eastern Band of Cherokee Indians Personnel Policies and Procedures sect. 2.06 (Aug. 17, 2018).

WHEREAS, Legislative Branch employees, who are separate from the administrative authority of the Principal Chief and the Executive Committee, possess the benefits and protections of the EBCI Personnel Policies and Procedures. C.C. §117-10.1(e).

WHEREAS, the vision is to grow the Legislative Branch and these changes are necessary.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Annual Council assembled, at which a quorum is present that the Eastern Band of Cherokee Indians Tribal Council enacts 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 STILL FURTHER ORDAINED should any provision 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 this ordinance shall become effective when ratified by the Principal Chief.

Submitted by: Bo Crowe, Wolfstown/Big Y Representative

Cherokee Code

Chapter 96 – TRIBAL EMPLOYEES

Sec. 96-1. – ~~Reserved.~~ Organizational Chart Approval.

Prior to any implementation, Tribal Council shall approve the EBCI organizational chart for each of its programs and divisions. The Executive Committee or the Tribal Council may establish the organizational structure and authority levels.

Sec. 96-11. – **Stability and protection of employees.**

(a) All changes to the Eastern Band of Cherokee Indians Personnel Policies and Procedures ~~personnel policy~~ must be reviewed by the Attorney General’s Office and Director of Human Resources. Once reviewed by the Attorney General’s Office and the Director of Human Resources, Tribal Council shall approve the amendments prior to implementation.

(b) All employees of the tribal government, and specifically excluding political appointees as defined in C.C. Section 96-4 above, shall be protected by the corrective action or disciplinary procedures set out in the Tribe’s personnel policy and procedures manual and may not be terminated, transferred or demoted when a new administration takes office except in as provided for in the policies and procedures.