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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAR 11 2021

ORDINANCE NO. 394 (2021)

An ordinance to amend C.C. § 96-12 governing employment decisions.

11 WHEREAS, the Eastern Band of Cherokee Indians has the sovereign authority to make laws
12 for the general governance of the Tribe. This authority is expressed in Sec. 23 of
13 the Charter and Governing Document and in Cherokee Code Sec. 117-10; and

15 WHEREAS, Section 4 of the Charter and Governing Document states that the Executive
16 Committee, consisting of the Principal Chief and Vice Chief, "shall execute and
17 carry out tribal laws and administer the daily operations of the Tribe."; and

19 WHEREAS, a key component of administering the daily operations of the Tribe is the
20 selection, supervision and management of Tribal employees. The Executive
21 Committee is exclusively responsible for these activities; and

23 WHEREAS, Ordinance No. 432 (passed February 26, 2019) created what is now C.C. § 96-12.
24 That section provides that "Initial Employment" decisions shall be made by the
25 respective Division Secretary and the Human Resources Secretary; and

27 WHEREAS, Ordinance No. 432 removed the Executive Committee from hiring decisions with
28 the effect that the Executive Committee has no say in a fundamental daily
29 operation of the Tribe even though the Committee is responsible for it under the
30 Charter; and

32 WHEREAS, C.C. § 96-12 should be amended to restore the authority of the Executive
33 Committee over employment decisions.

35 NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee
36 Indians in Council assembled, at which a quorum is present, that C.C. § 96-12 is
37 amended to read as follows:

39 **Sec. 96-12. – Initial employment.**

40 (a) The initial employment shall be extended by the Human Resources Secretary, or
41 their designee, to the individual selected by the Division Secretary if the selection is consistent
42 with existing policies and criteria established for the job, except where the initial employment
43 authority is specifically delegated.

1 (b) The Division Secretary and the program director or manager shall also approve the
2 proposed pay rate before the initial employment is made to an applicant.

3 (c) The Division Secretary and the program director or manager shall not offer or
4 approve employment if selection was made contrary to the Personnel Policies or the Cherokee
5 Code.

6 (d) Transfers, promotions, demotions and terminations of employees shall be approved
7 by the Division Secretary and the Human Resources Secretary.

8 (e) All of the approvals and other actions described in this section are subject to the
9 authority of, and approval by, the Executive Committee as part of the Committee's
10 administration of daily operations of the Tribe under § 4 of the Charter and Governing
11 Document.

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14 BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the
15 Principal Chief and all prior ordinances or portions thereof that are inconsistent
16 with this ordinance are rescinded.

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21 *Submitted by Principal Chief Richard G. Sneed and Vice-Chief Alan B. Ensley*