



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Text

File #: LA-20-96, **Version:** 1

An Act

LEGISLATIVE ACT NO. 20 -96

AN ACT AMENDING CHEROKEE NATION CODE, TITLE 51, CHAPTER TEN, EMPLOYEE ADMINISTRATIVE PROCEDURES ACT
BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION:

SECTION ONE TITLE. This Act shall be referred to as An Act Amending the Employee Administrative Procedures Act.

SECTION TWO. Purpose. The purpose of this Act is to amend the Employee Administrative Procedures Act in order to delay the effective date of the Act until December 1, 1996, and to make other minor corrections clarifying the intent of the Act.

SECTION THREE. Legislative History, The Rules Committee of the Cherokee Nation approved this amendment of the Employee Administrative Procedures Act, Legislative Act 12-96, at a Rules Committee meeting held on October 8, 1996.

SECTION FOUR. TITLE 51, ♦ 1004(4) IS HEREBY AMENDED TO READ AS FOLLOWS:

(4) "Employee of the Cherokee Nation" or "Employee" shall mean a person who has been directly employed by the Cherokee Nation on a regular permanent full-time basis for at least one continuous year immediately prior to termination of employment, including such employees who have renewable contracts with the Cherokee Nation. for purposes of employee termination appeals under this Act this term shall not include employees of any corporation for profit or other business entity owned and operated by the Cherokee Nation, such as, but not limited to Bingo Outpost, Cherokee Nation Enterprises and Cherokee Nation Industries; nor to specialized authorities and entities created by the legislature, such as, but not limited to, the Arkansas Riverbed Trust Authority.

SECTION FIVE. TITLE 51, ♦ 1004(12) IS HEREBY AMENDED TO READ AS FOLLOWS:

"Parties to an Appeal" shall mean the employee who has been terminated from the employment with the Cherokee Nation Aix! the Human Resources Director or his/her designee acting as the client representative of the employer Cherokee Nation.

SECTION SIX. TITLE 51, ♦ 1004 IS HEREBY AMENDED TO RE-NUMBER THE DEFINITIONS ALL IN ALPHABETICAL ORDER, AND TO ADD THE FOLLOWING NEW DEFINITION:

"Human Resources Director" shall mean the Human Resources Director of the Cherokee Nation.

SECTION SEVEN. TITLE 51, ♦ 1006 E. IS HEREBY AMENDED TO CHANGE THE PHRASE "an Cherokee Nation employee..." to read: "a Cherokee Nation employee..."

SECTION EIGHT. TITLE 51, ♦ 1010 IS HEREBY AMENDED TO STRIKE THE PHRASE "and located at the Cherokee Nation Capitol Complex."

SECTION NINE. THE FIRST TWO SENTENCES OF TITLE 51, ♦ 1012 ARE HEREBY AMENDED TO READ AS FOLLOWS:

A termination action may be initiated by the employer's supervisor Executive-or-Division Director; but policy concurrence for the action shall be Obtained in advance of the action by the Human Resources Director. The written notice of dismissal must be given to the employee, and must describe the reasons involved and a statement apprising the employee of his or her right fight to appeal the termination.

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SECTION TEN. THE FIRST SENTENCE OF TITLE 51, ♦ 1813 A. IS HEREBY AMENDED TO READ AS FOLLOWS:

A Former Employee may request review and reconsideration of the termination by the Human Resources Director in writing delivered to the Human Resources Director within five(5) in (to\ working days after receipt of the termination decision.

SECTION ELEVEN . TITLE 51, 1013 B. IS HEREBY AMENDED TO READ AS FOLLOWS:

B. The Human Resources Director shall thereafter review the Emma Employee's or applicant's request, documents Included with the request, and relevant documents in the employee's personnel file, and issue a written decision within ten (10) working days of receipt of the request for review.

SECTION TWELVE. TITLE 51, ♦ 1014(4) IS HEREBY AMENDED TO READ AS FOLLOWS:

A Former Employee must deliver to the Cherokee Nation Human Resources Office and to the Employee Appeals Board Clerk a written Notice of Appeal of Termination Decision no later than five-(5) ten.(14) working days from the date termination The Human Resource Director's decision upholding the termination was received by the former employee. The Notice of Appeal shall state the date of the termination and the reasons why the Former Employee believes the termination was without cause.

SECTION THIRTEEN. TITLE 51, ♦ 1015 C. IS HEREBY AMENDED TO STRIKE THE PHRASE "at the Cherokee Nation Courthouse" FROM THE SECOND SENTENCE.

SECTION FOURTEEN. TITLE 51, ♦ 1025 D. IS HEREBY AMENDED TO READ AS FOLLOWS:

D. In any proceedings for review brought by a party aggrieved by a final Employee Appeals Board order the responding party may be entitled to recover against such appealing party any court costs and reasonable attorney fees, but if the court determines that the appeal brought by the other party is frivolous.

SECTION FIFTEEN. TITLE 51, ♦ 1031 IS HEREBY AMENDED TO CHANGE THE EFFECTIVE DATE OF THE ACT FROM "October 1, 1996" TO "December 1, 1996."

Enacted by the Council of the Cherokee Nation on the 7TH day of OCTOBER, 1996.

J. Garland Eagle, President Cherokee Nation Council

ATTEST: Mary Cooksey, Secretary Cherokee Nation Council

Approved and signed by the Principal Chief this 7th day of OCTOBER, 1996.

ATTEST: Jennie Battles, Secretary-Treasurer Cherokee Nation

YEAS AND NAYS AS RECORDED:

Troy Poteete	YEA	Dora Mae Watie	YEA	
Sam Ed Bush		YEA Nick Lay		ABSENT
Mary Cooksey	YEA	Bill Baker	YEA	
Harold DeMoss	YEA	Don Crittenden	YEA	
Paula Holder	YEA	Tina Glory		ABSENT
Barbara Conness	YEA	Charles "Chuck" Hoskins	YEA	
William Smoke	YEA	Harold "Jiggs" Phillips	YEA	
Barbara Starr-Scott	YEA			