



NCA 13-113

CLASSIFICATION: #16. EXECUTIVE BRANCH

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, CHAPTER 9, TRIBAL EMPLOYMENT RIGHTS OFFICE ACT, §9-105 ENTITLED "Power and Duties" AND §9-120 ENTITLED "Funds"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 16, Chapter 9, Subchapter 1 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION TWO. AMENDMENT. MCNCA Title 16, §9-105, is hereby amended to read as follows:

§ 9-105. Powers and Duties

The TERO shall have the authority to carry out the day-to-day operations of the Office, and to enforce this ordinance. The TERO shall have the following powers and duties:

A. To operate consistent with the provisions of this Title and to develop rules and regulations governing activities of the TERO. The TERO may adopt EEOC guidelines or may adopt other requirements to eliminate employment barriers unique to Muscogee (Creek) Citizens and Citizens of other Federally Recognized Tribes in Indian Country.

B. To obtain funding from federal, state and other sources to supplement National Council appropriations as delegated by the Administration.

C. To negotiate cooperative agreements with federal, state, local, and other authorities on matters dealing with employment rights and the TERO activities, subject to National Council Approval, and to operate pursuant to finalized cooperative agreements and/or memoranda of understanding or agreements.

D. To use the information, facilities, personnel, and other resources of federal, state, and local agencies, as well as any and all Muscogee (Creek) Nation departments to accomplish the goals of this Act.

E. To establish numerical hiring goals and timetables specifying the minimum number of Muscogee (Creek) Citizens and Citizens of other Federally Recognized Tribes an employer shall hire by craft or skill level.

F. To require employer to establish or participate in job training programs as the TERO deems necessary to increase the pool of Muscogee (Creek) Citizens and Citizens of other Federally Recognized Tribes eligible for employment.

G. To establish and administer a tribal job bank and require employers to use it.

H. To prohibit employers from using job-qualifications criteria or personnel requirements that may bar Muscogee (Creek) Citizens and Citizens of other Federally Recognized Tribes from employment unless such criteria or requirements are required by business necessity.

I. To engage in the process of certifying businesses as "Indian-owned economic enterprises" with documented evidence of at least 51% ownership, control and management of the business to determine whether business may be given Indian preference.

J. To determine and assess an application fee to businesses seeking certification. Upon certification, to determine and assess a certification fee to be paid by all businesses determined to be "Indian owned economic enterprises." Also, to annually determine and assess a re-certification fee to those enterprises.

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K. To direct inspections of regulated sites and determine compliance with rules, regulations, and/or contract requirements.

L. To facilitate agreements with unions to insure union compliance with this Title.

M. To require employers to give preference to Indian-owned economic enterprises in the award of contracts and subcontracts.

N. To establish counseling programs to assist Muscogee (Creek) Citizens in obtaining and retaining employment.

O. To require employers to submit reports and take all actions deemed necessary by the TERO for the fair and vigorous implementation of this Act.

P. To enter into cooperative agreements, subject to National Council Approval, with employment rights agencies to eliminate adverse discrimination against Muscogee (Creek) Citizens and Citizens of other Federally Recognized Tribes.

Q. To take such actions as are necessary to achieve the purposes and objectives of the Muscogee (Creek) Nation employment rights program established in this Title.

R. To publish a listing of certified "Indian-owned economic enterprises" on a monthly basis.

S. To review and propose changes to this Title and related regulations as necessary.

T. To hold hearings in accordance with this chapter.

U. To register and keep file of complaints concerning certified, Indian-owned economic enterprises and with individuals and companies doing business with the Muscogee (Creek) Nation.

V. To assess an employment rights fee of one and a half percent (1.5%) on all covered contracts.

W. To organize and coordinate a Committee to approve applicants to be certified by the TERO. The Committee shall consist of the Secretary of the Nation, one member from the Business Finance & Justice Committee and one member from the Land, Natural Resources & Cultural Preservation Committee of the National Council, the Chief of Staff, the Secretary of Education, Employment and Training, the Controller, the CEO of MNBE, a Designee from the Tribal Construction Department, and an Assistant Attorney General of the Muscogee (Creek) Nation.

X. To issue and assess fees for Work Permits which shall be obtained for all non-Indian employees of a covered employer.

1. Any employer, as defined in this act shall be required to pay a fee of not less than Twenty-Five Dollars (\$25.00) per employee per award per day for non-Indian employees hired for the project that are in addition to the core crew.
2. Each such employer shall be required to submit a core crew list to the TERO
3. Once the core crew list is submitted the TERO will confirm the essential employees the vendor has listed.
4. If the TERO has identified Muscogee (Creek) Citizens and Citizens of other Federally Recognized Tribes that can be used for non-Indian Employees it shall require the employer to place the qualified Tribal Citizen.
5. The TERO is also authorized to administer other fees and penalties as provided in this act.

SECTION THREE. AMENDMENT. This amendment shall be codified in Title 16, Chapter 9, Subchapter 1 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION FOUR. AMENDMENT. MCNCA Title 16, §9-120, is hereby amended to read as follows:

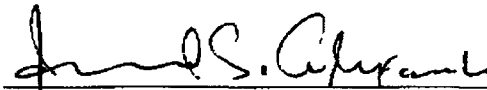
§ 9-120. Funds

All funds from application, certification, re-certification, and employer fees and other sources collected by the TERO shall be properly accounted for and deposited at least monthly into an account established for the TERO with the Office of the Controller. All funds from such account shall be used for the purposes for which TERO was established and to carry out its powers and duties.

SECTION FIVE. EFFECTIVE DATE. These Amendments shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 18th day of May, 2013.

IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Samuel S. Alexander, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

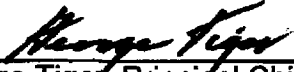
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Eighteen members with Seventeen members attending this meeting on the 18th day of May, 2013 and that the above is in conformity with the provisions therein adopted by a vote of 16 in favor, 0 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 28th day of May, 2013 to the above Law, NCA 13-113 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation

