



NCA 14-159

CLASSIFICATION: #16. EXECUTIVE BRANCH

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, CHAPTER 9, TRIBAL EMPLOYMENT RIGHTS OFFICE ACT, §9-105 X. AND §9-108 D.

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, 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 X., is hereby amended to read as follows:

§ 9-105. Powers and Duties

X. To issue and assess fees for Work Permits which shall be obtained for all non-Indian employees of a covered employer **when there is otherwise an eligible and qualified Indian applicant available.**

1. Any employer, as defined in this act shall be required to pay a **work permit** 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, **if the employer hires a non-Indian employee when otherwise there is a qualified Indian applicant available.**
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 **qualified** 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, 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, §9-108 D., is hereby amended to read as follows:

§ 9-108. Preference requirements

D. A contractor shall extend a preference to qualified individuals with respect to hiring each and every employment position utilizing the Muscogee (Creek) Nation TERO job bank. If the Contractor, Sub-Contractor and the TERO Office are unable to fill the job positions **with qualified employees** after applying the preference provisions, then the job positions may be filled by other individuals, ~~subject to the TERO work permit fees of non-Indian Employees.~~

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 27th day of September, 2014.

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



Thomas Yahola, 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 Sixteen members with **Fifteen** members attending this meeting on the **27th** day of **September, 2014** and that the above is in conformity with the provisions therein adopted by a vote of **14** 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 2nd day of Oct, 2014 to the above Law, **NCA 14-159** 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





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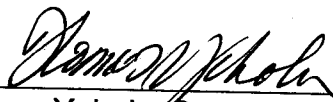
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ENACTED by the Muscogee (Creek) National Council on this 27th day of September, 2014.

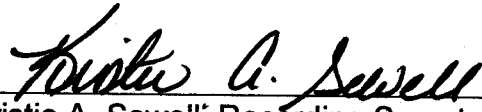
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Thomas Yahola, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

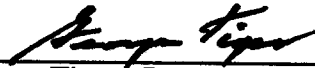
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Kristie A. Sewell, Recording Secretary
Muscogee (Creek) National Council

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George Tiger, Principal Chief
Muscogee (Creek) Nation

