



### RECONSIDERATION OF NCA 15-063

I, the undersigned, certify that the foregoing "Reconsideration of NCA 15-063" is a true extract from the, March 28, 2015, Regular Session Journal of the Muscogee (Creek) National Council.

**AND THAT, NCA 15-063** entitled, **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 37, CHAPTER 3, SUBCHAPTER 5, ENTITLED, "EMPLOYEE PROTECTION"** was presented to the National Council acting as a Council as a Whole and was enacted in Regular Session on March 28, 2015, by a vote of 14 in favor, 0 against, 0 abstention.

**AND THAT,** Said legislation was returned as a Veto with objections by the Principal Chief on, April 10, 2015 and said objections have been entered at large in the Journal of the Muscogee (Creek) National Council;

**AND THAT,** The National Council taking action to reconsider the Bill to **OVER-RIDE** (the Veto) at the Quarterly Session on April 25, 2015, in accordance with the Constitution, Article VI, Section 6(a), requires a (2/3) vote of the full membership, which consists of Sixteen members;

**AND THAT,** The record of vote reflects there were Fifteen present with a vote of 13 in favor, 2 against;

**THEREFORE, BE IT KNOWN,** under Article VI., Section 6. (a) of the Muscogee (Creek) Nation Constitution, **NCA 15-016** is hereby recorded as a "VETO OVER-RIDE" on this 25<sup>th</sup> day of April 2015.

Handwritten signature of Kristie A. Sewell in cursive script.

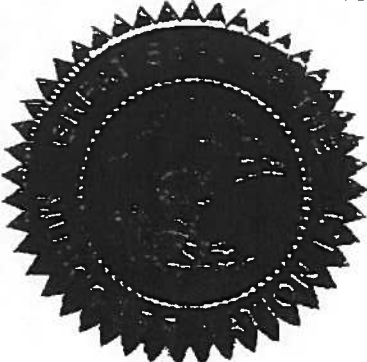
Kristie A. Sewell, Recording Secretary  
National Council  
Muscogee (Creek) Nation

### CERTIFICATION OF APPROVAL

**IN WITNESS WHEREOF,** I, the Presiding Officer of the Muscogee (Creek) National Council have hereto attached my signature this 25<sup>th</sup> day of April, 2015.

Handwritten signature of Thomas Yahola in cursive script.

Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation





# VETO OVERRIDE

NCA 15-063

**CLASSIFICATION: #37. TRIBAL GOVERNMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 37, CHAPTER 3, SUBCHAPTER 5, ENTITLED, "EMPLOYEE PROTECTION"**

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

**SECTION ONE. AMENDMENT.** These amendments shall be codified in Title 37, Chapter 3, Subchapter 5 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of 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 37, §3-501. C. and D. are hereby amended to read as follows:

C. "Employee" shall be interpreted to include, without limitation, all officers (with the exception of elected officials) and employees of the Muscogee (Creek) Nation; all managers and employees of chartered communities, Muscogee (Creek) Nation bingo halls ~~Casinos~~ and smoke shops; and officers and employees of all Muscogee (Creek) Nation governmental agencies, branches, boards, committees, entities or related subdivisions, ~~including the Creek Nation Housing Authority, and thereof, whether now in existence or to exist in the future. The Creek Nation Housing Authority Office of Personnel shall implement this subchapter under the direction of the Creek Nation Personnel Office.~~

D. "Illegal motive" shall be interpreted to include the following:

1. An intention to retaliate or take reprisal against an employee for providing information or inducing another to provide information to the office of the Attorney General, Duly Elected Principal Chief, Duly Elected Second Chief, and National Council and National Council Committees of the Muscogee (Creek) Nation, regarding

- any possible illegal, unethical, dishonest or improper conduct by any other employee;
2. An intention to retaliate or take reprisal against an employee for providing information or inducing another to provide information to the office of the Attorney General, Duly Elected Principal Chief, Duly Elected Second Chief, and National Council and National Council Committees of the Muscogee (Creek) Nation, regarding any adverse actions which have been taken in reprisal or retaliation for any action protected under this subchapter; or
  3. An intention to interfere with an employee's exercise of any other right granted by this subchapter, or by any other statute of the Muscogee (Creek) Nation, whether present or future.

**SECTION THREE. AMENDMENT.** MCNCA Title 37, §3-502. is hereby amended to read as follows:

**§3-502. Other employee rights**

In addition to the employee rights provided by Title 37, §3-501, employees shall have the following rights pursuant to this subchapter;

A. The right to call any illegal, unethical, dishonest, or improper acts of another employee to the attention of a supervisor;

B. The right to call any dangerous working condition to the attention of a supervisor, or to request an inspection of a dangerous working condition; provided, that this subsection shall not be construed to require such an inspection to be automatically granted upon request;

C. Making statements or testifying or agreeing to do so voluntarily or in response to a subpoena, in any informal or formal adjudicatory proceeding, informal conference proceeding, rulemaking proceeding, investigation or inspection by a governmental agency or body of the Muscogee (Creek) Nation, of judicial proceeding; or

D. The right to exercise free speech at any public meeting attended or the right to sign a petition on employee's own personal time.

E. Exercising rights granted under this subchapter on behalf of another employee.

**SECTION FOUR. AMENDMENT.** MCNCA Title 37, §3-507. B. shall be amended to read as follows:

B. Where to file. The employee or representative may shall file the application for review at the ~~Office of Personnel~~ Human Resource Management and Personnel Services, which shall maintain a log of all filings and provide copy of application for review and stamp "received" with signature of recipient.

**SECTION FIVE. AMENDMENT.** MCNCA Title 37, §3-513. G. shall be amended to read as follows:

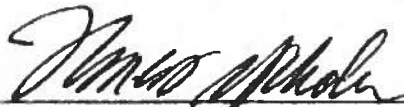
G. To hire a recording secretary whose compensation shall be ~~forty-five dollars (\$45) a meeting~~ determined by members of the Commission. The Secretary shall not be an employee of the Muscogee (Creek) Nation. The Secretary shall provide the equipment necessary for the recording/transcribing of minutes of the Commission meetings.

**SECTION SIX.** Any provision within the Muscogee (Creek) Nation Code Annotated there appears the term "Office of Personnel," the same shall be construed to mean, and apply to the created office of "Human Resource Management and Personnel Services" per the Organization of the Executive Office of the Principal Chief.

**SECTION SEVEN. EFFECTIVE DATE.** This Act 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 28<sup>th</sup> day of March, 2015.

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

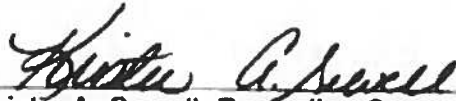


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Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

**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 28<sup>th</sup> day of March, 2015 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015 to the above Law, **NCA 15-063** 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



**NCA 15-063**

**CLASSIFICATION: #37. TRIBAL GOVERNMENT**

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

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**SECTION TWO. AMENDMENT.** MCNCA Title 37, §3-501. C. and D. are hereby amended to read as follows:

C. "Employee" shall be interpreted to include, without limitation, all officers (with the exception of elected officials) and employees of the Muscogee (Creek) Nation; all managers and employees of chartered communities, Muscogee (Creek) Nation Casinos and smoke shops; and officers and employees of all Muscogee (Creek) Nation governmental agencies, branches, boards, committees, entities or related subdivisions, whether now in existence or to exist in the future.

D. "Illegal motive" shall be interpreted to include the following:

1. An intention to retaliate or take reprisal against an employee for providing information or inducing another to provide information to the office of the Attorney General, Duly Elected Principal Chief, Duly Elected Second Chief, and National Council and National Council Committees of the Muscogee (Creek) Nation, regarding any possible illegal, unethical, dishonest or improper conduct by any other employee;
2. An intention to retaliate or take reprisal against an employee for providing information or inducing another to provide information to the office of the Attorney General, Duly Elected Principal Chief,

Duly Elected Second Chief, and National Council and National Council Committees of the Muscogee (Creek) Nation, regarding any adverse actions which have been taken in reprisal or retaliation for any action protected under this subchapter; or

3. An intention to interfere with an employee's exercise of any other right granted by this subchapter, or by any other statute of the Muscogee (Creek) Nation, whether present or future.

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C. Making statements or testifying or agreeing to do so voluntarily or in response to a subpoena, in any informal or formal adjudicatory proceeding, informal conference proceeding, rulemaking proceeding, investigation or inspection by a governmental agency or body of the Muscogee (Creek) Nation, of judicial proceeding; or

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**SECTION FIVE. AMENDMENT.** MCNCA Title 37, §3-513. G. shall be amended to read as follows:

G. To hire a recording secretary whose compensation shall be determined by members of the Commission. The Secretary shall not be an employee of the Muscogee (Creek) Nation. The Secretary shall provide the equipment necessary for the recording/transcribing of minutes of the Commission meetings.

**SECTION SIX.** Any provision within the Muscogee (Creek) Nation Code Annotated there appears the term "Office of Personnel," the same shall be construed to mean, and apply to the created office of "Human Resource Management and Personnel Services" per the Organization of the Executive Office of the Principal Chief.

**SECTION SEVEN. EFFECTIVE DATE.** This Act 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 28<sup>th</sup> day of March, 2015.

**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 28<sup>th</sup> day of March, 2015 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015 to the above Law, NCA 15-063 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