
Administration of Tribal Affairs & Government

(Amended as of 10/1/09)

CHICKASAW NATION CODE

TITLE 2

"2. ADMINISTRATION OF TRIBAL AFFAIRS AND GOVERNMENT"

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SECTION 2-101 **DIVISION OF POWERS OF GOVERNMENT.**

In accordance with the Constitution, the powers of the government are divided into three (3) departments:

1. A Legislative Department, consisting of the Tribal Legislature;
2. An Executive Department, consisting of the Governor and Lieutenant Governor;
and
3. A Judicial Department, consisting of a three (3) member Supreme Court of Tribal Justices and such inferior courts as the Legislature shall ordain and establish in the development, maintenance and administration of a Tribal Justice System.

SECTION 2-102 **RECOGNITION BY THE SECRETARY OF INTERIOR.**

In accordance with Title 25 of the United States Code, Section 450, the "Indian Self-Determination and Education Assistance Act," the Chickasaw Nation is duly recognized by the United States Secretary of the Interior as a self-governing, sovereign government.

SECTION 2-103 **GOVERNMENT OFFICES.**

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The administrative offices of the Nation are located at the Nation Headquarters in Ada, Oklahoma.

SECTION 2-104 **HOLIDAYS, HOURS.**

A. The administrative offices of the Nation are open for business between 8:00 a.m. and 5:00 p.m. Monday through Friday, except on holidays.

B. The following federal holidays are observed by the Nation:

1. New Year's Day;
2. George Washington's Birthday (President's Day);
3. Memorial Day;
4. Independence Day;
5. Labor Day;
6. Veteran's Day;
7. Thanksgiving Day;
8. Christmas Day.

Other holidays may be declared by the Governor. (TL5-001, 2/19/88)

C. The second Monday of October of each year shall continue to be an official holiday of the Chickasaw Nation which shall be designated "Piomingo Day". (PR12-03, 10/21/94)

SECTION 2-105 **AMBASSADOR CREATED.**

The Chickasaw Tribal Legislature hereby establishes the position of Ambassador, with such position being designated as a public officer of the Chickasaw Nation, empowered with diplomatic powers normally associated with such positions and with such limited authorities to transact business between the Chickasaw Nation and other governments as may be specifically designated, all subject to the direction given by the Governor, with each such position appointed by the Governor, subject to the advice and consent of the Chickasaw Tribal Legislature. (PR12-11, 3/17/95)

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SECTION 2-201 CONSTITUTIONAL AUTHORITY.

A. This Chickasaw Nation shall consist of all Chickasaw Indians by blood whose names appear on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906, (34 Stat. 137) and their lineal descendants.

B. The Tribal Legislature shall have the power to enact ordinances governing future citizenship and loss of citizenship in the Chickasaw Nation. (Article II, Sections 1 and 2, Constitution of the Chickasaw Nation, 8/27/83)

SECTION 2-202 PREAMBLE.

BE IT ENACTED by the Tribal Legislature of the Chickasaw Nation, assembled to establish Future Citizenship Ordinances & Loss of Citizenship Ordinances, Rules & Regulations in accordance with Article II of the Constitution of the Chickasaw Nation, to be called "The Chickasaw Nation Citizenship Act of 1994". (TL11-014, 9/16/94)

SECTION 2-203 AUTHORITY.

The Chickasaw Nation Citizenship Act of 1994 is authorized by Section 2, Article II, of the Constitution of the Chickasaw Nation and deals strictly with rights and procedures for future citizenship and loss of citizenship, not specifically addressed by Section 1, Article II, of the Constitution of the Chickasaw Nation. (TL11-014, 9/16/94)

SECTION 2-204 DEFINITIONS.

Words and phrases as used herein, shall be defined as follows:

1. "The Chickasaw Nation" means the Government of the Chickasaw Nation or all Chickasaw Indians by blood whose names appear on the final rolls of the Chickasaw Nation as approved pursuant to Section 2 of the Act of April 26, 1906, (34 Stat. 137), and their lineal descendants as stated in Section 1, Article II of the Constitution of the Chickasaw Nation.

2. "Constitution" means the Constitution of the Chickasaw Nation as ratified by the qualified electors of the Chickasaw Nation on August 27, 1983.

3. "Chickasaw Citizen" means one who is listed as a Chickasaw on the final rolls of the Chickasaw Nation as approved pursuant to the Act of April 26, 1906, (34 Stat. 137) and their lineal descendants, and others who meet the requirements for citizenship contained in this Act, who are, subsequently, granted citizenship in the Chickasaw Nation.

4. "Certificate of Degree of Indian Blood" or referred to as "CDIB" means the official document issued by the Bureau of Indian Affairs (BIA) stating a person's degree of Indian blood. The CDIB, indicating a person's possession of Chickasaw blood, shall serve as proof of citizenship in the Chickasaw Nation.

5. "Office of Tribal Citizenship" means the office designated by the Chickasaw Nation to receive and process applications for and issuances of designations of citizenship in the Chickasaw Nation, pursuant to the provisions of the Constitution and applicable Tribal Laws of the Chickasaw Nation. (PR12-02,10/21/94; PR13-19, 9/6/96)

SECTION 2-205 QUALIFICATION OF FUTURE CITIZENSHIP.

A person who can show that at least one of his or her natural parents is a Chickasaw as

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defined by the Constitution of the Chickasaw Nation, is eligible for Citizenship. Adoption of such

person by others, whether Chickasaw or not, shall not alter the Chickasaw citizenship eligibility of such person. (PR12-02,10/21/94)

SECTION 2-206 **QUALIFICATION FOR CITIZENSHIP OF CHICKASAW MIXED- BLOOD.**

Any person who applies for citizenship who otherwise qualifies for citizenship, but who has been enrolled as a citizen of another Indian tribe or tribes, may become a citizen of the Chickasaw Nation; provided that such person shall relinquish, in writing, such citizenship or membership in the other Indian tribe or tribes and file such writing with the Chickasaw Nation. (PR12-02,10/21/94)

SECTION 2-207 **DOCUMENTATION OF CITIZENSHIP.**

A. Each Chickasaw person, currently registered to vote as a citizen of the Chickasaw Nation in conformance with the election rules and regulations of the Chickasaw Nation, shall be issued a citizenship card with no further application necessary.

B. Any other person to whom a Certificate of Degree of Indian Blood has been issued, denoting Chickasaw Indian Blood, as a lineal descendent of an enrollee on the Chickasaw Rolls by Blood of the Dawes Commission Rolls, shall be a citizen of the Chickasaw Nation, and the act of applying for the CDIB shall be considered an application for citizenship. Cancellation of a CDIB file as provided for under the Federal Rules and Regulations governing the issuance of such certificates shall be grounds for the loss of citizenship in the Chickasaw Nation.

C. Any direct descendent of an enrollee on the Chickasaw Rolls by Blood of the Dawes Commission Rolls who has not yet received a CDIB shall, first, be issued a CDIB under the federal regulations governing the issuance of a CDIB.

D. Any direct descendent of an enrollee on the Chickasaw Rolls by Blood of the Dawes Commission Rolls whose enrollment does not reflect a specified blood quantum, may make application for citizenship under the same requirements established under the Federal Rules and Regulations governing the issuance of a CDIB. (PR12-02,10/21/94; PR13-19, 9/6/96)

SECTION 2-208 **APPLICATIONS FOR CITIZENSHIP.**

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A. The voter application for each current registered voter of the Chickasaw Nation shall be used in lieu of a citizenship application.

B. All minors, incompetents and those not currently registered to vote in tribal elections who meet any of the documentation requirements for citizenship, must make application for citizenship in order to be considered for citizenship in the Chickasaw Nation. The parent, legal guardian or lawful sponsor of a minor or incompetent may make application for citizenship in the Chickasaw Nation on behalf of a minor or incompetent. If it is determined that a person possesses Indian blood of more than one tribe, a complete statement of relinquishment for the other tribe(s) must be attached to the application.

C. The citizenship application will contain the pertinent information needed to verify citizenship. In the case of applicants who are 18 years of age or older, the application will contain necessary information to register such applicant as a voter in the Chickasaw Nation should such applicant desire to register to vote, and so long as such applicant meets all the other requirements set out in the Constitution and Tribal Laws of the Chickasaw Nation for voter registration.

(PR12-02, 10/21/94)

SECTION 2-209

PROCESSING OF THE APPLICATION.

A. Each application for citizenship shall be duly verified through utilization of the CDIB files. All CDIB files will have a CDIB computer file number which is automatically assigned for all files. Each application will show the CDIB computer file number, voter registration number (if applicable), the date the file was verified and the signature of the verifying official.

B. For those descendants of the enrollees on the Chickasaw Rolls by Blood whose enrollment did not reflect a specified blood quantum, the same documentation which is required for the issuance of a CDIB card will be required for consideration of citizenship in the Chickasaw Nation and attached to the citizenship application.

(PR12-02, 10/21/94)

SECTION 2-210

ACTIONS OF THE CHICKASAW NATION ON REJECTED APPLICANTS.

A. The Office of Tribal Citizenship or the person so designated to receive and process applications for citizenship in the Chickasaw Nation shall provide the Clerk of the Tribal Court, a list of the names of all the rejected applicants, and certify to the Tribal Court that written

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notice of rejection has been sent to the applicant.

B. The Office of Tribal Citizenship or the person designated to receive and process applications for citizenship in the Chickasaw Nation may dispose of the file of each rejected applicant after one (1) year from the date of rejection, or upon notification by the Tribal Court that a rejected applicant has been denied a court hearing; or, that the decision of the Chickasaw Nation on rejection of the applicant for citizenship has been confirmed by the Tribal Court, should such action be initiated by a rejected applicant. (PR12-02, 10/21/94)

SECTION 2-211 ACTIONS OF THE TRIBAL COURTS.

A. The Chickasaw Tribal Court shall prepare a file of each rejected applicant for Chickasaw citizenship, when a rejected applicant requests a hearing by the Tribal Court. The Tribal Court shall have 30 days from the date of the request for a hearing to enter an order granting or denying such hearing. At the end of a 30 day grace period, the Clerk of the Tribal Court shall certify to the Chickasaw Nation the name of those rejected applicants who have petitioned the Tribal Court for a hearing on their rejected application, but who are being denied a hearing; and, those rejected applications on which the Tribal Court has granted a hearing and the date of such hearing.

B. The Tribal Court shall maintain each rejected applicants file in each case that is pending before the Tribal Court, until ultimate disposition of each case is determined.

C. The Tribal Court, at their discretion, may dispose of any file on a rejected applicant who has been denied a hearing and who does not have any other avenue of appeal from the decision of the Tribal Court. The Tribal Court shall so notify the Chickasaw Nation of such disposition.

D. The Tribal Court shall inform the Chickasaw Nation of each rejected applicant in which the Tribal Court has determined that citizenship in the Chickasaw Nation has been confirmed by the Tribal Court.
(PR12-02, 10/21/94)

SECTION 2-212 EFFECTS OF DECISIONS.

The decision of the Tribal Court, at the conclusion of all appeals, shall be final.
(PR12-02, 10/21/94)

SECTION 2-213 CITIZENSHIP CARD.

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A. Upon a persons verification of citizenship in the Chickasaw Nation, said person shall be issued a "Citizen of the Chickasaw Nation" citizenship card, issued by the Chickasaw Nation, which shall, as a minimum, contain the following:

1. Name of Citizen and Date of Birth (if known).

2. The citizenship card shall bear a control number that the Chickasaw Nation shall use to insure the integrity and validity of the citizenship card; and, the card shall be imprinted with the Seal of the Chickasaw Nation in confirmation of Citizenship.

3. The person designated for receiving and processing citizenship cards of the Chickasaw Nation shall certify, in writing, to the appropriate official of other Indian Nations the identity of a person of Indian mixed-blood who has declared his or her Chickasaw citizenship. The Indian mixed-blood Chickasaw shall counter-endorse such writing before a citizenship card is issued to such mixed-blood Chickasaw.

(PR12-02,10/21/94)

SECTION 2-214

RECORDS.

A. All records of all Chickasaw citizens and applicants are confidential and may be used, only, in accordance with official business of the Chickasaw Nation.

B. Upon receipt of appropriate documentation, the Chickasaw Nation is authorized to update the information of an applicant or citizen. The following information is deemed acceptable for documentation:

1. Name change by marriage, divorce, or court decree.

2. Written and signed statement of applicant or citizen of a change of address.

3. Record of Death by Death Certificate, BIA Records, Mortuary Records, Hospital Records, Obituary Notice from a newspaper, written and signed statement from a relative (in the absence of previous stated documentation), written and signed statement from someone who attended the funeral and who can document the grave location and date of death, or by court decree.

(PR12-02,10/21/94)

SECTION 2-215

LOSS OF CITIZENSHIP.

A. Any citizen of the Chickasaw Nation, who is eighteen 18 or older, may relinquish such citizenship in writing, to the Chickasaw Nation, which must be signed by the maker and notarized. In lieu of being notarized, the maker's signature can be confirmed by the signing of two (2) witnesses. Such relinquishment shall become effective on the date it is received by the Chickasaw Nation.

B. A legal guardian of a minor or incompetent may request the relinquishment of such minor's or incompetent's citizenship upon documented proof to the office of Tribal Registration that the guardian has legal custody of the minor or the incompetent.

C. A citizen of the Chickasaw Nation who is discovered to have been erroneously conferred citizenship in the Chickasaw Nation, pursuant to the provisions of this Act or the Constitution of the Chickasaw Nation shall be subject to revocation of citizenship in the Chickasaw Nation under the following provisions:

Said citizen shall be notified by certified mail, return receipt requested, by the Chickasaw Nation of the intent to revoke citizenship and the information that brought the action. Such notice shall include the date for the hearing which shall be no less than thirty (30) days, and that the matter will be heard by the Tribal Court as a review panel on that date in informal session, and that such citizen may appear to show cause why citizenship should not be revoked. Failure of the citizen to appear at the scheduled hearing shall be accepted by the review panel that such citizen shall abide by that panel's decision. The decision of the review panel shall be final.
(PR12-02,10/21/94)

SECTION 2-216

EFFECTIVE DATE.

This law shall become effective on the date that it is duly adopted as law in accordance with the provisions of the Constitution and laws of the Chickasaw Nation. (PR12-02,10/21/94)

**CHAPTER 3
CEREMONIES, CUSTOM AND LANGUAGE**

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Section 2-304	Maintenance/Preservation of Cemeteries.

SECTION 2-301 **CHICKASAW NATION ANNUAL MEETING.**

The Annual Meeting of the Chickasaw Nation shall be held in Tishomingo, Oklahoma. (GR92-72, 4/18/92)

SECTION 2-302 **CHICKASAW HONOR GUARD.**

The Chickasaw Honor Guard consists of Chickasaw Citizens who shall: 1) represent the Chickasaw Nation at functions such as parades, meetings, funerals, and memorial services; 2) establish and provide to the Tribal Legislature a set of by-laws; 3) become self-sustaining, but may seek some financial assistance from the Chickasaw Nation. (GR10-88, 6/21/93)

SECTION 2-303 **CHICKASAW BURIAL POLICY.**

The Chickasaw Nation shall provide monies to serve its citizens under a Burial Grant that allocates to each original enrollee and each full-blood Chickasaw the amount of one thousand five hundred dollars (\$1,500) and, further provides, that all other citizens of the Chickasaw Nation shall each be allocated from the one thousand five hundred dollars (\$1,500) Burial Grant, a pro-rated share of said Burial Grant in an amount equal to each Chickasaw citizen's percentage of Chickasaw descent as shown on their Certificate of Degree of Indian Blood (CDIB) Card. This grant shall be administered to meet needs which are unmet by burial plans or burial insurance held by the decedent. Said funds will be paid directly to the funeral home. (PR15-005, 1/20/98; PR17-024, 8/18/00)

SECTION 2-304 **MAINTENANCE/PRESERVATION OF CEMETERIES.**

A. The Chickasaw Tribal Legislature hereby authorizes and approves funding in the amount of thirty thousand dollars (\$30,000) from the General Fund for maintenance and preservation of Chickasaw cemeteries within the Chickasaw Nation.

B. The thirty thousand dollars (\$30,000) will be appropriated each fiscal year to said budget and shall include carried over funds. (PR15-020, 6/19/98)

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Section 2-401.9	Insurance for Elected Officials Who Leave Office.

SECTION 2-401.1 OFFICERS ESTABLISHED, QUALIFICATIONS.

- A. The officers of the Nation shall include all elective officials.
- B. Officers shall have the qualifications prescribed by the Constitution and enactments of the Nation.

SECTION 2-401.2 OATH OF OFFICE.

- A. Every officer of the Nation, before entering upon the duties of his office, shall take the oath or affirmation of office prescribed by the Constitution.
- B. The oath of office shall be taken on October 1 or the first regular working day of October. If October 1 is on a weekend or holiday or if circumstances beyond the control of the official taking the oath precludes him from being sworn in at that time, the oath of office shall be taken at the earliest possible time convenient and practicable.
(GR5-85, 6/22/88)

SECTION 2-401.3 WHO MAY ADMINISTER OATHS.

A person selected by the Chickasaw Election Commission may administer oaths and affirmations. (TL6-002, 4/7/89)

SECTION 2-401.4 REMOVAL OF OFFICERS.

The power to remove an elected officer shall be as authorized by the Constitution.

SECTION 2-401.5 TERMS OF OFFICE.

The following elected officers of the Nation shall serve for the terms respectively indicated for that officer and shall serve until his successor is duly elected and installed:

<u>Officer</u>	<u>Term</u>
1. Legislator	3 years
2. Governor and Lieutenant Governor	4 years
3. Supreme Court Justice	3 years

SECTION 2-401.6 VACANCY DEFINED.

An elected office shall be deemed vacant from and after the occurrence of any of the following events before the expiration of a term of office:

1. death of the person holding the office;
2. resignation of the person holding the office;
3. removal from office by impeachment, recall, or other method authorized by the Constitution or laws, of the person holding the office; and
4. ceasing to meet any of the qualifications of office, including but not limited to residency requirements.

SECTION 2-401.7 VACANCIES IN ELECTED OFFICE.

A. In the case of death, resignation, impeachment or recall of the Governor, the Lieutenant Governor shall immediately become Governor for the remainder of the unexpired term. The Governor shall appoint a successor to serve the unexpired term of the Lieutenant Governor by and with the advice and consent of the Legislature.

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B. In the event of vacancies occurring in the Tribal Court or Tribal Legislature, a special election shall be held within sixty (60) days of the vacancy, or reasonably delayed until the next regularly scheduled election for that position. The vacancy shall be filled by popular vote.

SECTION 2-401.8 **LEGAL PROTECTION FOR OFFICERS AND EMPLOYEES OF THE NATION.**

The Chickasaw Tribal Legislature extends full and complete tribal protection and indemnification to all officials, employees and/or agents of the Chickasaw Nation during any and all times that those officials, employees and/or agents are engaged in activities that are in full keeping with their assigned, mandated or delegated tasks as officials, employees and/or agents of the Chickasaw Nation. Such protections shall include legal protections for those persons who may become involved in litigation or in other actions brought against them as individuals or as officials, employees and/or agents of the Chickasaw Nation by the state or any of its agencies, departments, officers or employees. (GR 8-58, 3/19/91; PR 8-05, 4/25/91; GR 8-79, 6/27/91)

SECTION 2-401.9 **INSURANCE FOR ELECTED OFFICIALS WHO LEAVE OFFICE.**

A. **Definitions:**

1. "Insurance" shall mean life, health and dental insurance as provided by the Chickasaw Nation to its employees/elected officials under the plan in effect at the time of death or retirement of the elected official or as such plan may change throughout the remainder of the time this measure shall be applied.

2. "Retirement" shall mean leaving office, whether by design or by happenstance.

3. "Year" shall mean any portion of a year served by an elected official.

B. **Death:** Should an elected or retired official die, and at the time of his death he is carrying dependents on his health and dental insurance, the Nation shall pay to carry those dependents on his health and dental insurance for a period of six (6) months after his death, to give his dependents time to make arrangements for their own health and dental insurance.

C. **Retirement:** Upon an elected official's retirement or loss of office by other than recall petition or impeachment, he shall be entitled to continue to be eligible to receive life, health and dental insurance according to the following scale:

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1. Upon leaving office and after completion of twelve (12) years in any elected office, insurance shall be a paid benefit for the official throughout the remainder of the official's lifetime. An official may reject the benefit at any time; however, once the benefit has been rejected, it shall not be recommenced.

2. Upon leaving office and after completion of nine (9) years in any elected office, insurance shall be made available as an option to the retiring official at fifty percent (50%) of the cost of such policies, as part of any benefits package that may be offered to such retired officials; however, should the costs of such policies be raised or lowered, the fifty percent (50%) share cost to the official shall be raised or lowered proportionately. An official may reject the benefit at any time; however, once the benefit has been rejected, it shall not be recommenced.

3. Upon leaving office and after completion of six (6) years in any elected office, insurance shall be made available as an option to the retiring official at seventy-five percent (75%) of the cost of such policies, as part of any benefits package that may be offered to such retired officials; however, should the costs of such policies be raised or lowered, the seventy-five percent (75%) share cost to the official shall be raised or lowered proportionately. An official may reject the benefit at any time; however, once the benefit has been rejected, it shall not be recommenced.

D. Effective Date; Grandfather Clause.

1. The Effective Date of this resolution is the first day of the month following the month it was enacted by the Legislature and concurred with by the Governor or otherwise passed into law.

2. All officials serving in any elected office on the Effective Date and all officials elected after the Effective Date shall be given credit for all years served in any elected office under the Chickasaw Constitution of 1983, even if such years were served prior to the Effective Date. All former elected officials who have served in any elected office for at least twelve (12) years under the Chickasaw Constitution of 1983, even when all such years were served prior to the Effective Date, shall be entitled to insurance in accordance with this Section.

(PR25-010, 7/18/08; PR26-001, 12/19/08)

**ARTICLE B
SALARIES OF OFFICERS**

Section 2-421	Title.
Section 2-422	Finding.
Section 2-423	Definitions.
Section 2-424	Authority.
Section 2-425	Judicial Department Salaries.
Section 2-426	Legislative Department Salaries.
Section 2-427	Executive Department Salaries.
Section 2-428	Reimbursable Costs.
Section 2-429	Repeal of Prior Legislation.
Section 2-430	Effective Date.

SECTION 2-421 TITLE.

Be it enacted by the Tribal Legislature of the Chickasaw Nation assembled, that this Act may be cited as the "Salary Review Act of 1991." (TL9-001, 10/23/91)

SECTION 2-422 FINDING.

The Legislature finds that a need exists for the review of salaries paid elected officials of the Chickasaw Nation in accordance with Article VII, Section 11 of the Constitution of the Chickasaw Nation as amended August 22, 1990. (TL9-001, 10/23/91)

SECTION 2-423 DEFINITIONS.

For the purpose of this Act:

1. "The Chickasaw Nation" means the tribe of Indians located within the boundaries set forth in the Constitution of the Chickasaw Nation, being duly recognized by the Secretary of the United States Department of the Interior, as a self-governing, sovereign government;
2. "Constitution" means the Constitution of the Chickasaw Nation as ratified by the voters of the Chickasaw Nation on August 27, 1983;
3. "Chickasaw Tribal Legislature" or "Legislature" means the Legislative Branch of the Chickasaw Nation Tribal Government as created and empowered by Articles V, VI, VII, VIII, and IX of the Constitution;

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4. "Chairperson" means that officer of the Legislature as defined in Article VII, Sections 1 and 2 of the Constitution; (TL9-001, 10/23/91)

5. "Presiding Judge" means that officer of the Tribal Court as defined in Article XII, Section 4 of the Constitution;

6. "Legislator" means a member of the Chickasaw Tribal Legislature;

7. "Lieutenant Governor" means that officer of the Chickasaw Nation Tribal Government as defined in Article X and Article XI of the Constitution;

8. "Governor" means that officer of the Chickasaw Nation Tribal Government as defined in Article X, Sections 1, 2, 3, 4, 5, and 6, and in Article XI, Sections 1, 2, 3, and 4 of the Constitution;

9. "Judge" means an official of the Chickasaw Nation as defined in Article XII and XIII of the Constitution;

10. "Prescribe" means to impose as a peremptory order, to give law or to direct.

SECTION 2-424

AUTHORITY.

A. The basis for authority of this Act is Article VI, Section 1 of the Constitution, wherein the Legislature is granted the legislative authority of the Chickasaw Nation. In Article VII, Section 4, the Legislature is granted the power and authority to enact rules and regulations pertaining to the Chickasaw Nation. In Article VII, Section 11, "The Tribal Legislature shall have the power to fix and prescribe salaries and allowances for all elected or appointed officials and employees of the Nation. The Tribal Legislature shall review said salaries and allowances every fourth year and shall increase or decrease as necessary."

B. The Chickasaw Tribal Legislature, with the adoption of this Act, hereby establishes the procedures whereby annual salaries for all elected officials of the Chickasaw Nation shall be reviewed and revised in accordance with Article VII, Section 11 of the Constitution.
(TL9-001, 10/23/91)

SECTION 2-425

JUDICIAL DEPARTMENT SALARIES.

The salary of each Justice of the Supreme Court shall be the sum of three thousand dollars (\$3,000) per month, plus a five percent (5%) increase to the salary for each year of

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service which has been completed as a Justice of the Supreme Court under the Constitution of 1983. In addition, annually, the Chickasaw Nation shall contribute an amount equal to twenty five percent (25%) of each Justice's total annual salary to a retirement/investment plan, as directed by the Justice. The Justice that is elected to serve as Chief Justice shall receive an additional \$100.00 per month for the duration of time in which he serves in that capacity. (PR20-028, 9/19/03; PR24-010, 9/21/07)

SECTION 2-426

LEGISLATIVE DEPARTMENT SALARIES.

A. The base salary for all Tribal Legislators shall not include any travel allowances, but travel reimbursement expenses shall be in accordance with legislative travel policies. Tribal Legislators are entitled to a salary and allowances in accordance with Amendment IV of the Constitution of the Chickasaw Nation. (PR12-33, 9/15/95; PR13-01, 10/20/95)

B. The salary of the Legislators shall be the sum of three thousand five hundred dollars (\$3,500) per month, plus a three and one half percent (3.5%) increase to the salary for each year of service which has been completed as a Tribal Legislator under the Constitution of 1983. In addition, annually, the Chickasaw Nation shall contribute an amount equal to twenty five percent (25%) of the Legislator's total annual salary to a retirement/investment plan, as directed by the Legislator.

1. The Chairperson or the Chairperson Pro Tempore of the Tribal Legislature shall receive an additional five hundred dollars (\$500) per month for the duration of the time in which he serves in that capacity.

2. The Secretary or the Secretary Pro Tempore of the Tribal Legislature shall receive an additional two hundred dollars (\$200) per month for the duration of the time in which he serves in that capacity.

(PR20-028, 9/19/03)

C. **RESERVED**

(PR20-001, 10/18/02)

SECTION 2-427

EXECUTIVE DEPARTMENT SALARIES.

A. The salary of the Lieutenant Governor shall be the sum of two hundred thousand dollars (\$200,000) per annum, plus fifty thousand dollars (\$50,000) per annum for each term of office completed as Lieutenant Governor under the Constitution of 1983. In addition, annually, the Chickasaw Nation shall contribute an amount equal to thirty percent (30%) of the Lieutenant

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Governor's total annual salary to a retirement/investment plan, as directed by the Lieutenant Governor.

B. The salary of the Governor shall be the sum of three hundred thousand dollars (\$300,000) per annum, plus fifty thousand dollars (\$50,000) per annum for each term of office completed as Governor under the Constitution of 1983. In addition, annually, the Chickasaw Nation shall contribute an amount equal to thirty percent (30%) of the Governor's total annual salary to a retirement/investment plan, as directed by the Governor.
(PR20-028, 9/19/03; PR24-012, 9/21/07)

SECTION 2-428 **REIMBURSABLE COSTS.**

All salaries and benefits of all elected officials shall be paid from tribal funds; however, any costs allowable under federal law to be reimbursed from federal sources for activities and/or actions taken by the tribal government or its employees, shall be billed on a monthly basis to the Tribe's indirect cost pool or, in such cases as are allowable and lawful, to the appropriate federal program, grant or contract. The Finance Department, under the supervision of the Governor, shall be responsible for compliance with this Section. (TL9-001, 10/23/91)

SECTION 2-429 **REPEAL OF PRIOR LEGISLATION.**

All prior legislation which is in conflict with PR12-33 is hereby repealed. (PR12-33, 9/15/95)

SECTION 2-430 **EFFECTIVE DATE.**

These provisions, as amended, shall not go into effect until October 1, 2003.
(PR20-028, 9/19/03)

**CHAPTER 5
EMPLOYEES AND PERSONNEL POLICIES**

**ARTICLE A
CHICKASAW INDIAN EMPLOYMENT PREFERENCE**

Section 2-510.01 Discrimination Prohibited; Employment Preference.
Section 2-510.02 Definition.

SECTION 2-510.01 DISCRIMINATION PROHIBITED; EMPLOYMENT PREFERENCE.

There shall be no discrimination against employees or applicants for employment. Notwithstanding this provision, preference for employment shall be given to Chickasaws and qualified Indian applicants. (TL 5-001, 2/19/88)

SECTION 2-510.02 DEFINITION.

For the purpose of this article, "Chickasaw Citizen" means any Chickasaw Indian by blood whose name appears on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906 (34 Stat. 137) and their lineal descendants.

**ARTICLE B
POLITICAL ACTIVITIES OF EMPLOYEES**

Section 2-520.01	Authority.
Section 2-520.02	Definitions.
Section 2-520.03	Employee rights.

SECTION 2-520.01 AUTHORITY.

This is to establish, and to clarify, Employee rights and to ensure Employee protection as said rights and needs for protection relate to Political Activity.

1. Be it enacted by the Tribal Legislature of the Chickasaw Nation here assembled that this Act be cited as the “Chickasaw Nation Employee's Political Rights Reform Act of 1993.”

2. The Legislature finds that:

 a. a need exists for the Chickasaw Tribal Legislature to establish and protect the right of a tribal Employee, and any member(s) of his family, to express his/their opinion, both privately and publicly, on political issues and candidates; and

 b. a need exists for the Chickasaw Tribal Legislature to establish and protect the right of a tribal Employee, and any member(s) of his family, not to be subjected to the exercise of **any** coercion, solicitation, influence, interest, or Political Activity, of **any** sort, directly or indirectly, by any candidate, elected official, appointed official, other Employee, or any Agent of any candidate, elected official, appointed official, or other Employee, while on Duty Status, whether in Assigned Work Areas or not.

3. The basis of authority for this Act is Article VI, Section 1 of the Constitution, wherein the Legislature is granted the legislative authority of the Chickasaw Nation, and in Article VII, Section 4 wherein the Legislature is granted the power and authority to enact rules and regulations pertaining to the Chickasaw Nation, and Article IV, Section 4, wherein the right of every citizen to speak, write, or publish his opinions is protected, provided said right is not abused, and Article XIII Section 1 wherein the Tribal Legislature may confer jurisdiction upon the Judicial Department. The Legislature, with the adoption of this Act, hereby:

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- a. repeals all previous resolutions, laws and enactments which pertain to Employee political rights;
- b. amends all previous resolutions, laws and enactments which pertain to tribal Employees;
- c. amends all previous resolutions, laws and enactments which pertain to appointed officials;
- d. amends all previous resolutions, laws and enactments which pertain to elected officials;
- e. confers other jurisdiction upon the Judicial Department; and
- f. designates an offense that shall place an elected official in jeopardy of sanction.

(TL10-005, 7/23/93)

SECTION 2-520.02

DEFINITIONS.

For the purpose of this Act:

- 1. "Political Activity," as used herein, shall mean any activity whatsoever that communicates a political message of any sort, directly or indirectly, regarding tribal politics.
- 2. "Assigned Work Areas," as used herein, shall mean any physical location on any real property where any persons are working or conducting business of any sort for compensation by the Chickasaw Nation.
- 3. "Duty Status," as used herein, shall mean any work being done or any business being conducted, of any sort, by any person, in any location, for compensation by the Chickasaw Nation.
- 4. "Employee," as used herein, shall mean any person, except for elected officials, full-time or part-time, employed or contracted by, and receiving any compensation from, the Chickasaw Nation.
- 5. "Compensatory Time," as used herein, shall mean time and a half off, with pay, in exchange for time in excess of forty (40) hours per calendar week.

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6. "Agent," as used herein, shall mean any person who is designated by, authorized by, represents, or acts for or in the place of, another.

7. "Required," as used herein, shall mean directed, ordered, demanded, instructed, commanded, compelled, requested, or coerced, as a condition of continued employment.

8. "Violation of this Act," as used herein, shall mean any action of any sort, directly or indirectly, calculated to curtail any rights or protections established by this act.

SECTION 2-520.03

EMPLOYEE RIGHTS.

A. With this Act, the Chickasaw Tribal Legislature:

1. establishes and protects the right of a tribal Employee, and any member(s) of his family, to express his/their opinion, both privately and publicly, on political issues and candidates for public office;

2. establishes and protects the right of a tribal Employee, and any member(s) of his family, not to be subjected to the exercise of any coercion, solicitation, influence, interest, or action of a political nature, of any sort, directly or indirectly, by any candidate, elected official, appointed official, other Employee, or any Agent of any candidate, elected official, appointed official, or other Employee, while on duty, whether in Assigned Work Areas or not;

3. establishes and protects any tribal Employee from:

a. being Required to engage in any Political Activity whatsoever, directly or indirectly, while on Duty Status, whether in Assigned Work Areas or not;

b. being Required to engage in any Political Activity whatsoever, directly or indirectly, while in Assigned Work Areas, whether on Duty Status or not;

c. being Required to use his official authority or influence over subordinates, directly or indirectly, for the purpose of affecting the result of any tribal election;

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d. Being Required to engage in any Political Activity whatsoever, directly or indirectly, while on Compensatory Time off or while on leave status with pay;

e. being Required to contribute compensation, gifts, loans, entertainment, favors, time, goods, services, ideas, information, influence, opinions, or any other thing of any value, directly or indirectly;

f. being Required to solicit, receive, collect, handle, disburse or account for any funds whatsoever for a partisan political purpose;

g. being Required to organize, promote, or participate in, a fund-raising activity for a partisan political purpose, whether directly or indirectly;

h. being Required to announce his candidacy for a political office until after resigning;

I. being Required to act as a watcher;

j. being Required to endorse or oppose a candidate for public office in any political advertisement, broadcast, campaign literature, or any similar material; and

4. establishes and protects the above rights of a tribal Employee and any member(s) of his family, if said Employee or any member(s) of his family is an elected official.

5. Employees shall not be subjected to any adverse employment decision because of failure to support or choosing to support any particular candidate.

B. Any Political Activity not proscribed by this Act shall be protected as an Employee's right.

1. Any coercion, influence, interest, or action of any sort, directly or indirectly, by any candidate, elected official, appointed official, other Employee, or the Agent of any candidate, elected official, appointed official, or other Employee, that is calculated to curtail said right and/or any rights and protections established by this act, shall be a Violation of this Act.

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2. Any Violation of this Act by any elected official, or by the Agent of said elected official, shall place said elected official in jeopardy of sanction.

3. Any Violation of this Act by any candidate other than an elected official, or by the Agent of said candidate, shall be an offense for which said candidate or Agent shall be barred from all Assigned Work Areas until the election for which said candidate has filed is over.

4. Any Violation of this Act by any appointed official, or by the Agent of said appointed official, shall be cause for removal of said appointed official.

5. Any Violation of this Act by any Employee, or by the Agent of said Employee, shall result in the immediate dismissal of said Employee.

C. The Tribal Court shall have the jurisdiction to hear a Petition, filed by an Employee of the Chickasaw Nation, based upon violation(s) of the Chickasaw Nation Employee's Political Rights Act. The Court shall, by majority vote, determine the validity of the Petition. By its ruling, the subsequent enforcement of this Act shall be carried out by the use of tribal and/or federal officials or policemen.

D. Should a question arise regarding the administration or implementation of this Act, the Tribal Legislature shall generate an amendment or an addendum to this Act addressing same, to become part of this act upon approval.

(TL10-005, 7/23/93; PR16-021, 5/24/99)

**ARTICLE C
PERSONNEL RULES AND REGULATIONS**

Section 2-530.01	Definitions; Application of Rules.
Section 2-530.02	Merit System.
Section 2-530.03	Equal Employment.
Section 2-530.04	Nepotism.
Section 2-530.05	Organization; Positions.
Section 2-530.06	Written Duties; Authority to Perform.
Section 2-530.07	Evaluation.
Section 2-530.08	Distribution of Rules.
Section 2-530.09	Conflict with Other Rules.
Section 2-530.10	Work Week; Hours.
Section 2-530.11	Irregular Hours.
Section 2-530.12	Tardiness.
Section 2-530.13	Holidays.
Section 2-530.14	Annual Leave and Sick Leave.
Section 2-530.15	Leave Requests.
Section 2-530.16	Annual Leave.
Section 2-530.17	Sick Leave.
Section 2-530.18	Maternity Leave.
Section 2-530.19	Administrative, Professional Leave.
Section 2-530.20	Military Leave.
Section 2-530.21	Enforced Leave.
Section 2-530.22	Education Leave.
Section 2-530.23	Leave Without Pay.
Section 2-530.24	Leave for Court and Jury Service.
Section 2-530.25	Furlough.
Section 2-530.26	Selection of Applicants.
Section 2-530.27	Probation.
Section 2-530.28	Classification.
Section 2-530.29	Status Change.
Section 2-530.30	Conduct.
Section 2-530.31	Personnel Actions.
Section 2-530.32	Promotion.
Section 2-530.33	Transfers.
Section 2-530.34	New Positions.
Section 2-530.35	Special duty.
Section 2-530.36	Demotion.
Section 2-530.37	Resignation.
Section 2-530.38	Dismissals; Terminations; Appeals.

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Section 2-530.39	Review Board.
Section 2-530.40	Suspensions.
Section 2-530.41	Required Notice.
Section 2-530.42	Reduction in Force.
Section 2-530.43	Compensation.
Section 2-530.44	Pay Schedule.
Section 2-530.45	Outside Employment.
Section 2-530.46	Honorariums.
Section 2-530.47	Fringe Benefits.
Section 2-530.48	Grievances.
Section 2-530.49	Interest.
Section 2-530.50	Enforcement.

SECTION 2-530.01 **DEFINITIONS, APPLICATION OF RULES.**

A. For the purpose of this Article, the following terms shall have the meanings respectively ascribed to them herein unless the context requires otherwise:

1. "Annual Leave" means that accrued vacation leave with pay which has been earned in accordance with the provisions of this article;
2. "Immediate Family" means a spouse, father, mother, child, brother or sister of a person or other person as approved by the Governor, Lieutenant Governor or their designee;
3. "Sick Leave" means a period in which the employee is incapacitated from the performance of duties by sickness or injury, or for medical, surgical, dental, or optical examination or treatment, or where the employee's presence at work would jeopardize the health of the employee or others;

B. This Article applies only to those employees covered by the Nation's merit system. Non-merit employees include directors and those positions supervised directly by the Governor and the Lieutenant Governor.

C. The Nation's enterprises and businesses shall establish their own procedures by the approval of the Legislature.
(TL 5-001, 2/19/88)

SECTION 2-530.02 **MERIT SYSTEM.**

The employment of personnel and all actions affecting employees shall be based solely on merit, ability and fairness.

SECTION 2-530.03 **EQUAL EMPLOYMENT.**

There shall be no discrimination against employees or applicants for employment. Notwithstanding this provision, preference for employment shall be given to Chickasaw citizens and qualified Indian applicants.

SECTION 2-530.04 **NEPOTISM.**

The employment of members of the same Immediate Family shall be avoided insofar as possible. A person shall not supervise an Immediate Family member.

SECTION 2-530.05 **ORGANIZATION, POSITIONS.**

- A. The Governor determines the organizational structure of the Tribe.
- B. All positions shall be established in accordance with an organization plan clearly setting forth areas of responsibility and lines of authority.
- C. The Executive Department is responsible for periodically reviewing the organization plan/chart and for notifying the Legislature of any changes.

SECTION 2-530.06 **WRITTEN DUTIES; AUTHORITY TO PERFORM.**

- A. Every employee shall be given the authority necessary to perform his assigned duties.
- B. The duties and responsibilities of every position shall be set forth in writing. Employees will be expected, at a minimum, to perform the duties specified in their job descriptions. Job descriptions shall be amended and kept up to date by the immediate supervisors.

SECTION 2-530.07 **EVALUATION.**

Each regular employee's work performance shall be evaluated annually prior to the anniversary date of their employment. The immediate supervisor shall discuss the report with the

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employee regarding their career and any improvements in performance which appear desirable or necessary.

SECTION 2-530.08 **DISTRIBUTION OF RULES.**

A. This employee code applies only to those employees covered by the merit system. Non-merit employees include directors and those positions supervised directly by the Governor and/or by the Lieutenant Governor. Chickasaw Nation enterprises/businesses shall establish their own procedures by the approval of the Legislature.

B. Each person, upon his employment with the Chickasaw Nation, shall review the Employee's Code once each year and initial a record signifying this action contained in his personnel file.

SECTION 2-530.09 **CONFLICT WITH OTHER RULES.**

If any conflict arises between this Employee's Code and any federal guidelines, rules, regulations or laws, the federal standards shall prevail and apply.

SECTION 2-530.10 **WORK WEEK; HOURS.**

The standard work week of the Chickasaw Nation shall be five (5) days, Monday through Friday. A standard work week shall total forty (40) hours. Work scheduled shall be based on an eight-hour day, normally beginning at 8:00 a.m. and ending at 5:00 p.m., with a lunch period of one hour. The lunch period may be staggered as determined by the Governor. Differing work schedules are allowable with the approval of the Governor.

SECTION 2-530.11 **IRREGULAR HOURS.**

Working hours for professional staff members may be irregular and require night or evening work at the discretion of the immediate supervisor. These staff members shall not be granted compensatory time. In the case of hourly paid employees or clerical employees who are required to work overtime, compensatory time may be granted. Overtime pay shall be avoided in as far as possible.

SECTION 2-530.12 **TARDINESS.**

Any employee who is unable to be at work on time for any reason is expected to telephone their office to report that fact to his immediate supervisor.

SECTION 2-530.13 **HOLIDAYS.**

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- A. Holidays must be observed as they occur.
- B. Holidays may not be accumulated or used as termination pay.
- C. In order to receive pay for a designated holiday, an employee must be at work or in an approved leave status on the workday immediately preceding and the work day immediately after the holiday and must not have been absent without leave either the work day before or after.

SECTION 2-530.14 ANNUAL LEAVE AND SICK LEAVE.

- A. Regular and probationary employees are eligible for Annual Leave and Sick Leave with full pay subject to the following provisions: Neither annual nor Sick Leave shall accrue except when an employee is actually working or on an authorized leave with pay status.
- B. This Article regarding time and leave must be applied uniformly to all employees.
- C. All employees, otherwise eligible to accrue leave, shall not be permitted to do so while on leave without pay status.

SECTION 2-530.15 LEAVE REQUESTS.

The Governor, the Lieutenant Governor, or designee, is authorized to approve or disapprove leave requests of employees. An individual leave record for each employee shall be maintained and made a part of each employee's permanent record.

SECTION 2-530.16 ANNUAL LEAVE.

Annual Leave means that accrued vacation leave, with pay, which has been earned in accordance with the provisions of this policy.

- A. Full-time regular employees shall earn Annual Leave as follows:

	<u>Length of Service</u>	<u>Vacation</u>
1.	1 to 3 years:	10 days annually (2 Weeks)
2.	4 to 12 years:	15 days annually (3 Weeks)
3.	13 years and more:	20 days annually (4 Weeks)

- B. An employee must have completed four (4) years of service before three (3)

weeks is actually earned.

C. Annual Leave shall be accrued on a fiscal year basis (October 1 to September 30) for full-time regular employees. Accrued leave must be taken by December 31 of the same year, however a maximum of forty (40) hours may be carried forward from September 30 in addition to accrual for October, November and December. Annual Leave may be taken as accrued on a single day basis, however one five-day vacation is recommended. It is recommended that Annual Leave be scheduled at a time which least interferes with an employee's responsibilities. Extended vacations require two (2) weeks prior approval by the Governor. Requests for single days Annual Leave shall be submitted in sufficient time to allow for staff adjustments.

D. An employee must have completed ninety (90) days of employment with the Chickasaw Nation to be eligible for Annual Leave. If it is absolutely necessary that an employee be on leave, the leave status will be Leave Without Pay (LWOP).

SECTION 2-530.17 SICK LEAVE.

Sick Leave is defined to mean a period in which the employee is incapacitated from the performance of duties by sickness or injury, or for medical, surgical, dental, or optical examination or treatment, or where the employee's presence at work would jeopardize the health of the employee or others.

A. Full-time regular employees shall earn Sick Leave as follows:

<u>Length of Service</u>	<u>Sick Leave</u>
1. 1 to 3 years	8 hours per month (12 days annually).
2. 3 years and more	10 hours per month (15 days annually).

B. Sick Leave accumulation shall not be limited.

C. An employee must have completed ninety (90) days of employment with the Chickasaw Nation to be eligible for Sick Leave. If it is absolutely necessary that an employee be on leave, the status will be leave without pay. After ninety (90) days, an employee is allowed twenty five (25) hours of Sick Leave per quarter without documentation.

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D. The first time an employee files Sick Leave in excess of twenty five (25) hours in one quarter, the employee will be placed on restriction. When on restriction:

1. The employee is required to bring documentation from a doctor or dentist in order to file for Sick Leave. If the employee is requesting Sick Leave for an appointment, and will be absent for only the amount of time necessary for the appointment, the appointment card or a copy of it will be acceptable. If an employee is requesting Sick Leave time in addition to the time allowed for an appointment, the employee is required to obtain documentation from a doctor or dentist confirming the amount of time necessary for the employee to be off work;

2. The employee's immediate supervisor will counsel the employee concerning Sick Leave policies upon return to work station. The employee will be on restriction for ninety (90) days, regardless of whether that ninety-day time period falls in more than one quarter. There shall be no waivers of restriction.

E. In the event an employee is separated or resigns at any time, he is not eligible for payment of Sick Leave.

F. Request for Sick Leave. Requests for Sick Leave for medical, optical examination or surgical operation for which an employee has prior knowledge of the anticipated absence shall be submitted to the immediate supervisor prior to being excused. When there is no prior knowledge of absence, appropriate leave forms should be filed upon return to work. Sick Leave will be allowed only if the employee has notified or called his immediate supervisor to notify of his absence.

G. Certification of Illness. The immediate supervisor may request medical certification as justification for Sick Leave.

H. Transfer of Leave. An extended illness, where all an employee's Sick Leave has been used, accumulated Annual Leave may be transferred until exhausted at which time the employee will be placed on leave without pay.

SECTION 2-530.18

MEDICAL MATERNITY LEAVE.

Female employees shall be granted a minimum of six (6) weeks Medical Maternity Leave for the birth of a child. Such maternity leave shall be charged to Sick Leave, Annual Leave, and medical disability leave in that order. (PR18-010, 2/16/01)

SECTION 2-530.19 **ADMINISTRATIVE, PROFESSIONAL LEAVE.**

The Governor may grant administrative leave for various purposes that may benefit the Tribe. Administrative leave is not charged against annual or Sick Leave. It can be paid leave or leave without pay.

SECTION 2-530.20 **MILITARY LEAVE.**

An employee who is a member of the National Guard or of any of the reserve components of the Armed Forces of the United States shall be entitled to leave of absence from assigned duties for as many as fifteen (15) days in one fiscal year to participate in military training. The employee is entitled to fifteen (15) working days pay from the Chickasaw Nation, one day of pay for every normal working day spent in the military (pay does not include Saturday or Sunday unless those are normal working days for the employee while at work for the Tribe). Military pay earned has no factor in determining pay received for the fifteen (15) working days from the Chickasaw Nation. Leave of absence from assigned duties to participate in military training should be determined by the Governor.

SECTION 2-530.21 **ENFORCED LEAVE.**

Enforced leave charged to Sick Leave may be granted to an employee for a death or illness in the Immediate Family if approved as provided in this code.

SECTION 2-530.22 **EDUCATION LEAVE.**

The rules and regulations regarding education leave shall be governed by tribal policy. (PR27-001; 10/16/09)

SECTION 2-530.23 **LEAVE WITHOUT PAY.**

In order to file for leave without pay (this would occur when an employee has no other leave accrued), an employee must have prior approval which requires sufficient justification for the leave to the employee's supervisor. An employee is considered absent without leave (AWOL) if the employee is absent from work and has not received prior approval. When the employee returns, they must submit acceptable justification for the leave to be considered approved leave without pay. If sufficient justification is not submitted when the employee is absent without leave with no pay, and the following will occur:

1. On the first occurrence AWOL, the employee will be counseled and the

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incident recorded in the personnel file;

2. on the second occurrence of AWOL, the employee will receive written reprimand and the incident recorded in the personnel file; and

3. on the third occurrence of AWOL, the employee will be placed on suspension at the discretion of the department supervisor and the incident will be recorded in the personnel file.

SECTION 2-530.24 LEAVE FOR COURT AND JURY SERVICE.

When in obedience to a subpoena or direction by proper authority, an employee appears on a regular workday as a witness or a jury member for the federal government, the State of Oklahoma, or a political subdivision, or as an expert witness in his capacity as a tribal employee, the employee shall be entitled to leave of absence for such duty with regular compensation. When an employee is subpoenaed in private litigation by some party other than the federal government, the State of Oklahoma or a political subdivision to testify as an individual, the time absent shall be taken as Annual Leave or leave without pay at the employee's discretion.

SECTION 2-530.25 FURLOUGH.

A. When the workload is such that an employee or employees are not needed for a period of time or funding is not available, or an employee requests extended time off without pay, the employee or employees may be placed on temporary furlough status. Temporary furlough may be for a specific time or until a specific date, for example, a Carter Seminary employee.

B. Employees that have been involuntarily furloughed shall be recalled in the order that they were furloughed. For example, the first furloughed shall be first to be recalled. In the event a non-Indian is furloughed, the rule of Indian preference shall prevail.

SECTION 2-530.26 SELECTION OF APPLICANTS.

A. Administration shall make every reasonable effort to attract qualified persons to compete for vacancies. Positions shall be advertised for a period of five (5) working days, except where a position must be immediately filled as determined by the Governor. Such as Carter Seminary or the Drug/Alcohol Center.

B. In establishing employment lists of eligible persons in competitive jobs for appointment and promotion, certain preferences shall be allowed for Chickasaw citizens with certificates of Indian blood.

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C. An announcement shall be posted for a minimum of five (5) days insofar as practicable and shall specify the title, salary and nature of the job, and such other information as may be required.

D. Applications for positions shall be submitted on forms provided by the Chickasaw Nation in the manner specified in the applicable announcements. All information submitted in connection with applying for positions is subject to verification.

E. A person selected for a position may be required to undergo a medical examination in a manner prescribed by the Governor.

SECTION 2-530.27 PROBATION.

A probationary period of six (6) months normally is required for all new or newly promoted employees. During this period, an employee's fitness and capability to perform the duties of his job are to be evaluated by his immediate supervisor and the Governor. If a probationary employee is not retained, an effort will be made for reassignment for another position. However, no appeal is allowed.

SECTION 2-530.28 CLASSIFICATION.

Position appointment shall be designated either regular, part-time or temporary. Regular positions are ordinarily of indefinite duration and may apply to full-time or part-time positions.

SECTION 2-530.29 STATUS CHANGE.

Change in status from probationary employee to regular, full-time employee shall be announced to the employee in writing and a copy filed in the employee's personnel file.

SECTION 2-530.30 CONDUCT.

It is mandatory that the employee shall conduct themselves so as to instill confidence in the organization and to minimize public or private criticism or complaints. No employee shall make public or private statements or actions on behalf of the Tribe on any matters concerning the Tribe or its programs without the express prior approval of the Governor. The image set by the employees reflects a like image of the Chickasaw Nation. Actions of employees which adversely affect these relationships will be reported to the Governor and the employee may be reprimanded, suspended or in flagrant cases, terminated. Employees shall dress neatly and

appropriately in performance of their work.

SECTION 2-530.31 **PERSONNEL ACTIONS.**

The Governor shall have the responsibility for all personnel actions, including those in Sections 2-552 *et seq.*

SECTION 2-530.32 **PROMOTION.**

Vacated positions shall be filled to the greatest possible extent by the promotion of qualified employees.

SECTION 2-530.33 **TRANSFERS.**

Transfers of employees may be made administratively or in conjunction with an announced selection process. Accrued leave or compatible benefits will be transferable between departments and agencies insofar as possible. The direct transfer of accrued Annual Leave and Sick Leave shall be available for an employee who transfers directly from either the Nation headquarters or the Chickasaw Housing Authority to the other. The earlier starting date of full-time employment will be observed with computation of both sick and Annual Leave so that the transferring employee will not sacrifice additional accruals or maximum dictated by seniority.

SECTION 2-530.34 **NEW POSITIONS.**

Establishment of salary levels for new positions or new titles shall be approved by the Legislature. The Executive Department has the authority to reorganize work assignments, create positions, abolish positions, change titles and prescribe or change the duties and responsibilities assigned to any position or employee as needed. A salary may be established by the Governor for a new position on a temporary basis not to exceed six (6) months. This may be accomplished by detail to special duty, for example as in the succeeding section, and the salary level for the position must be presented to the Legislature in time for approval before the six (6) months expires.

SECTION 2-530.35 **SPECIAL DUTY.**

A. When the services of a regular full-time employee are temporarily needed in a position other than the class to which the incumbent is regularly assigned, the employee may be detailed to "special duty" at the discretion of the Governor, to perform the duties of the position to which temporarily assigned for a period not to exceed six (6) months.

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B. A detail to special duty in no way shall affect the status, title or position held prior to the detail.

C. An employee shall not be placed on detail to special duty more than six (6) months in any twelve-month period.

D. Pay upon detail to special duty shall not be reduced, but must be increased to at least the minimum rate, but not more than the maximum rate, the employee could receive upon promotion to that position. At the conclusion of the detail, pay shall revert to the authorized rate of pay in the employee's regular position.

SECTION 2-530.36 **DEMOTION.**

An employee shall be subject to demotion for the following reasons. Personnel actions of an employee being demoted shall be subject to Section 2-551 of this code. (**Note:** no such section exists.)

1. if he has been found unsuited for his present position, but may be expected to give satisfactory service in a lower paying position;
2. if his position has been either abolished or reallocated to a lower paying position, and he cannot be transferred to a position of equal pay. It shall be clearly indicated on all papers prepared in connection with such a demotion that the demotion in no way reflects on the employee's performance in the previous position.

SECTION 2-530.37 **RESIGNATION.**

An employee who desires to end his employment in good standing should submit a written signed resignation at least two (2) weeks in advance, setting forth his reasons for resigning. The Governor may agree in writing to permit a shorter period of notice.

SECTION 2-530.38 **DISMISSALS; TERMINATIONS; APPEALS.**

An employee who is guilty of substantial violation of regulations or who gives unsatisfactory service shall be subject to dismissal without advance notice. In such cases the employee, if he desires, may be granted a hearing before the personnel review board. This board is elected by the Chickasaw Nation employees. A dismissed employee who wishes to

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have a hearing must request it within ten (10) working days of dismissal. The board will set a hearing date within five (5) working days of the request. The dismissed employee will be notified in the most expedient manner possible. Failure of the employee to appear when properly notified will close the case. Within ten (10) working days after the hearing, a recommendation will be made by the board to the Governor. The Governor will then render a final decision. A written statement of the reasons for the dismissal shall be submitted to the employee affected at the time of such dismissal. If a Chickasaw employee feels that his rights are still being violated in being terminated after the Governor has rendered his final decision, the employee may petition the Tribal Court to review his case. At the petitioning of the Court, all evidence and documented copies written or any other pertinent information shall be submitted with the petition within ten (10) working days after the Governor's final decision. Any of the following acts and/or conduct on the part of any employee may constitute specific grounds for prompt dismissal by the Governor:

1. incompetence or repeated neglect of duty;
2. unauthorized absence from duty with unsatisfactory explanation;
3. misappropriation or unauthorized and improper use of Tribal equipment, tools, machines, funds, etc.;
4. flagrant or persistent insubordination;
5. use of intoxicants while on duty (or reporting for duty in an intoxicated state);
6. conviction of a felony charge;
7. excessive debt complaints;
8. excessive tardiness;
9. employee misconduct as determined by the Governor.

SECTION 2-530.39

REVIEW BOARD.

A. The Chickasaw Nation employees shall elect five (5) Review Board members and two(2) alternates from a list of twenty (20) candidates who shall file for office of Review Board member at the Chief of Staff office. Any regular employee is eligible to seek this office. No member of the Governor's staff or supervisors at the Chief of Staff Office shall serve on the

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Review Board. The Review Board members shall be seated by drawing for the length of term which will run from less than a year to five (5) years. A new board member will be elected each year. After the first election, the election shall be on the regular election day in August. The winner will take office October 1.

B. The Review Board shall not be influenced by the staff supervisor or employees in making their decision. A simple majority of three (3) votes will be the decisive figure or vote.

SECTION 2-530.40 **SUSPENSIONS.**

An employee may be suspended from duty without pay for:

1. a period not to exceed twenty (20) working days for disciplinary reason;
2. pending investigation of charges of extreme financial mismanagement or where the presence of the employee constitutes a hazard to the Chickasaw Nation, if such investigation does not bear out the charges and the employee is restored, he shall be paid for the period of the suspension. An employee suspended due to investigation or litigation shall not accrue Annual Leave during the period of suspension unless the employee eventually returns to normal, active status.

SECTION 2-530.41 **REQUIRED NOTICE.**

A. Before any regular employee may be demoted involuntarily, suspended without pay or discharged, the Executive Department shall provide the employee with:

1. a statement of the specific acts or omissions that are the causes or reasons for the proposed action; and
2. an explanation of the tribe's evidence; and
3. an opportunity to present reasons why the proposed action is improper and should not take place.

B. Pending completion of this notice and response procedure, an employee may be suspended without warning, with pay, to avoid undue disruption of work or to protect the safety of persons or property or for other serious reasons.

SECTION 2-530.42 **REDUCTION IN FORCE.**

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A. If it is necessary to reduce personnel, the selection of employees to be retained shall be based primarily on their relative efficiency and the necessity of the job entailed.

B. At least two (2) weeks' notice prior to dismissal due to a reduction in force shall be given to an employee, except for persons employed for a specific limited period of time. Following the notice of dismissal, the employee may receive two (2) weeks' severance pay in lieu of working two (2) weeks at the discretion of the Governor.

SECTION 2-530.43 **COMPENSATION.**

A. Each tribal employee shall be paid a salary or wage in accordance with the compensation plan approved by the Tribal Legislature.

B. Appropriate compensation rates shall be determined on the prevailing local wage or salary scale, not based on federal or state standards.

C. The compensation plan is not designed to provide pay increases to employees based solely upon length of service.

D. The compensation plan is designed to provide pay increases to employees based upon ability, efficiency and demonstrated support of Tribal goals and objectives.

E. The Chickasaw Tribal Legislature declares that the minimum wage for all employees of the Chickasaw Nation shall be not less than the following amounts per hour, effective upon the occurrence of the events described below, and continue in effect until changed or canceled by appropriate legislation:

1. when the federal minimum wage becomes \$5.85, the Chickasaw Nation minimum wage shall be \$5.93;

2. when the federal minimum wage becomes \$6.55, the Chickasaw Nation minimum wage shall be \$6.57; and

3. when the federal minimum wage becomes \$7.25, the Chickasaw Nation minimum wage shall be \$7.29. (PR11-13, 2/18/94; PR12-12, 3/17/95; GR14-032, 4/18/97; PR24-009, 6/20/07)

SECTION 2-530.44 **PAY SCHEDULE.**

Employees will be paid on a bi-weekly basis on every other Friday. Should the pay day

fall on a holiday, checks shall be issued on the preceding work day.

SECTION 2-530.45 OUTSIDE EMPLOYMENT.

Full time, regular employees shall not engage in outside employment without the approval from the Governor.

SECTION 2-530.46 HONORARIUMS.

An honorarium may be accepted for services performed during office hours if the employee is on approved administrative leave, Annual Leave or leave without pay status.

SECTION 2-530.47 FRINGE BENEFITS.

Full time, regular employees shall have the opportunity to join the health insurance plan in effect offered by their respective employer.

SECTION 2-530.48 GRIEVANCES.

It is the policy of the Tribe to anticipate and avoid the occurrence of complaints and grievances of employees, but respond to them promptly if and when they occur. All grievances shall be through the lines of authority and in accordance with employee grievance procedures.

SECTION 2-530.49 INTEREST.

No employee of the tribe during his tenure or for one year thereafter shall have any interest or derive personal benefit in any contracts or programs related directly to their respective employer.

SECTION 2-530.50 ENFORCEMENT.

Enforcement of this Article is the duty of the Governor and may include the following:

1. upon the first infraction of this article, not included elsewhere in this document, an employee may receive a verbal reprimand;
2. upon the second violation, a written reprimand may be presented;

3. the third violation may result in termination.

ARTICLE D
LEGISLATIVE DEPARTMENT PERSONNEL RULES AND REGULATIONS
(RESERVED)

**ARTICLE E
TRIBAL ENTERPRISES/BUSINESSES
PERSONNEL RULES AND REGULATIONS**

Section 2-550.01 Title.
Section 2-550.02 Authority.
Section 2-550.03 Definitions.
Section 2-550.04 Policy.

SECTION 2-550.01 TITLE.

A. Be it enacted by the Tribal Legislature of the Chickasaw Nation here assembled that this Act be cited as the Personnel Code of the Chickasaw Nation Enterprises and Businesses.

B. Be it further enacted by the Tribal Legislature of the Chickasaw Nation here assembled that this Act become effective immediately.

SECTION 2-550.02 AUTHORITY.

The basis of authority for this Act is Article VI, Section 1, of the Constitution, wherein the Legislature is granted the legislative authority of the Chickasaw Nation, and in Article VII, Section 4, wherein the Legislature is granted the power and authority to enact rules and regulations pertaining to the Chickasaw Nation. The Legislature, with the adoption of this Act, hereby:

1. repeals all authority and/or guidelines established by previous resolutions, laws, and enactments which pertain to the administration of personnel for the Chickasaw Nation Businesses and Enterprises if and/or when said authority and/or guidelines established by previous resolutions, laws, and enactments are in conflict with the expressed or implied principles of this Act;
2. repeals all authority established by previous resolutions, laws, and enactments which pertain to the establishment of procedures which pertain to the administration of personnel for the Chickasaw Nation Businesses and Enterprises;
3. defines the authority to govern the administration of personnel for the Chickasaw Nation Businesses and Enterprises; and
4. adopts uniform guidelines to govern the administration of personnel for

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the Chickasaw Nation Businesses and Enterprises.

SECTION 2-550.03 DEFINITIONS.

For the purpose of this Act:

1. "Chickasaw Nation Businesses and Enterprises" means any bingo hall, smoke shop, truck stop, trading post, hotel, restaurant, or any other business in which the tribe may be engaged.
2. "General Business Manager" shall be the director responsible for overseeing the operation of all Chickasaw Nation Enterprises and Businesses and for ensuring that the provisions of this Act be enforced.
3. "Governor" means the chief executive officer of the Chickasaw Nation.
4. "Legislature" means that body of not more than thirteen (13) members, as created and empowered by Articles V, VI, VII, VIII and IX of the Constitution of the Chickasaw Nation.
5. "Employee" means any person, full-time or part-time, employed by and/or salaried by the Chickasaw Nation Businesses and Enterprises, as follows:
 - a. "Full-time employee" means any employee who works at least 40 hours per calendar week and is hired as a full-time employee.
 - b. "Part-time employee" means any employee who works less than 40 hours per calendar week and is hired as a part-time employee.
6. "Nepotism" means the preferential hiring or promotion, or the supervision of, an employee who is an Immediate Family member.
7. "Compensatory Time" means time and a half off, with pay, in exchange for time in excess of forty (40) hours per calendar week.
8. "Repeated Incompetence" means in excess of two (2) corrective interviews, within a year's time, for the same inability to perform a specific duty.
9. "Merit" means consistently superior performance in the execution of

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assigned duties.

10. "Enforced Leave" means the use of Sick Leave in order for the employee to care for an Immediate Family member or to attend the funeral of an Immediate Family member.

11. "Gross Insubordination" means in excess of two (2) corrective interviews, within a year's time, for failure to carry out instructions or for failure to acknowledge authority.

12. "Sexual Harassment" means any unwelcome advances, either as physical or verbal conduct of a sexual nature expressing or implying that submission is required as a condition of employment or advancement. Further, any conduct that has the purpose or effect of interfering with work performance or creating a hostile or offensive environment, shall be considered as sexual harassment.

13. "Substance Abuse" means the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

SECTION 2-550.04 POLICY.

The Legislature finds that:

ARTICLE I Employment

A. **Merit System.** All personnel actions, with the exception of annual compensation rate increases, shall be based solely on merit, ability, and fairness.

B. **Chickasaw Preference.** Preference for employment shall be given to Chickasaws (the Chickasaw Nation Enterprises and Businesses shall strive to attain to 85% of personnel, minimum), qualified Indian applicants (10% of personnel, minimum), and other qualified applicants.

C. **Nepotism.** Nepotism shall not be practiced.

ARTICLE II Organization

A. All positions shall be established in accordance with an organization plan and

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with job descriptions which clearly set forth areas of responsibility and lines of authority. Said organization plan and job descriptions shall be attached to this Act within ninety (90) days after this Act becomes law. The organization plan shall be headed by the General Business Manager who shall be hired by the Governor, shall report directly to the Governor, and shall be supervised by the Governor.

B. Every employee shall be given the authority and right of decision necessary to perform his assigned duties.

C. The duties and responsibilities of every position shall be set forth in writing. Employees will be expected (at minimum) to perform the duties specified in their job descriptions. Job descriptions shall be amended and kept up-to-date by the immediate supervisors. Whenever a job description is amended, the incumbent employee shall be trained to accommodate that amendment.

D. Each employee's work performance shall be evaluated. The immediate supervisor shall discuss the report with the employee regarding his career and any improvements in performance which appear desirable or necessary.

ARTICLE III Application and Distribution of Personnel Code

A. Each person, upon his employment with the Chickasaw Nation Enterprises and Businesses, shall be given a copy of this Personnel Code of the Chickasaw Nation Enterprises and Businesses, and shall sign a record signifying same. This record shall be kept in his personnel file.

B. Each person shall review this Personnel Code once each year and initial a record signifying same. This record shall be kept in his personnel file.

C. If any conflict arises between this Personnel Code and any federal guidelines, rules, regulations or laws, the federal standards shall prevail and apply.

ARTICLE IV Time and Leave

A. **Standard Work Week.** The standard work week of the Chickasaw Nation Enterprises and Businesses varies from one business to another, depending on the nature of the business, as some businesses are open seven (7) days a week while others may only be open four (4) days a week.

B. **Irregular Hours.** Working hours may be irregular and require night or evening

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work, at the discretion of the immediate supervisor. In the case of hourly paid employees or clerical employees who are required to work overtime, compensatory time shall be granted, or time and a

half pay shall be paid, in conformance with federal guidelines; provided that overtime pay shall be avoided in so far as possible. Once forty (40) hours of compensatory time shall have accrued, the employee shall be required to take time off, at time and a half, with full pay. Should the General Business Manager decide that said employee cannot take time off after said forty (40) hours of compensatory time shall have accrued, then he shall be paid time and a half for his compensatory time.

C. **Tardiness.** Any employee who is unable to be at work on time, for any reason, is expected to telephone his office to report that fact to his immediate supervisor, if possible.

D. **Holidays.** The following federal holidays, with pay, will be observed by employees, other than Bingo employees and Smoke Shop employees, who may work these days at time and a half pay:

1. Holidays allowed are:
 - a. Memorial Day
 - b. Independence Day
 - c. Thanksgiving Day
 - d. Christmas Day
 - e. Such other days as may be declared by the Governor
2. The following additional conditions are in effect:
 - a. Holidays should be observed as they occur. They may not be accumulated or used as termination pay.
 - b. In order to receive pay for a designated holiday, an employee must be at work or in an approved leave status on the work day immediately preceding and the work day immediately following the holiday, and must not have been absent without leave either the work day before or the work day after.
 - c. Any hourly employee who is required to work on a holiday shall be paid time and a half.
 - d. Each employee may have a floating holiday, with pay, to be taken at his discretion, provided there is no conflict with scheduled work requirements.

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3. Employees are eligible for Annual Leave and Sick Leave with full pay, subject to the following provisions:

a. Neither Annual nor Sick Leave shall accrue except when an employee is actually working or on an authorized leave with pay status.

b. This Code regarding time and leave must be applied uniformly to all employees.

c. An individual leave record for each employee shall be maintained and made a part of his permanent record.

E. Annual Leave

1. Annual Leave means that accrued vacation leave, with pay, which has been earned in accordance with the provisions of this policy.

a. Employees shall earn Annual Leave as follows:

(1) 1 - 3 Years ----- 5 Days (1 Week)

(2) 4 - 12 Years----- 15 Days (3 Weeks)

(3) 13 - Over years ---- 20 Days (4 Weeks)

NOTE: AN EMPLOYEE MUST HAVE COMPLETED FOUR (4) YEARS OF SERVICE BEFORE THREE (3) WEEKS IS ACTUALLY EARNED.

2. Accumulation of Annual Leave

a. During the first three (3) years, Annual Leave accrues at a rate of three and one third (3.33) hours per month average.

b. During the fourth through the twelfth years, Annual Leave accrues at a rate of ten (10) hours per month average.

c. During the years after the twelfth year, Annual Leave accrues at a rate of thirteen and one third (13.3) hours per month average.

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d. Though Annual Leave shall accrue on a fiscal year basis (October 1 to September 30), forty (40) hours may be carried forward until the end of the calendar year for each of the first three (3) years, and eighty (80) hours may be carried forward until the end of the calendar year for each of the years following the first three (3) years; provided that the hours carried forward shall not exceed eighty (80) hours and must either be taken by the end of the calendar year or, at the employee's option, the employee may be paid for said accrued leave.

e. An employee is entitled to his Annual Leave, but may donate up to sixteen (16) hours of said leave to another employee.

f. One five (5) day Annual Leave per year is mandated.

g. Annual Leave should be scheduled at a time which least interferes with an employee's responsibilities. Extended vacations require two (2) weeks prior approval. Any amount of Annual Leave should be requested in time to allow for staff adjustments.

3. Annual Leave Limitation

a. Probationary employees (employees not yet having completed ninety (90) days of employment with the Chickasaw Nation Enterprises and Businesses) shall not be eligible for Annual Leave, with pay; provided Annual Leave shall be accruing while an employee is on probationary status.

b. If it is absolutely necessary that an employee be on leave, the leave status will be leave without pay (LWOP).

F. **Sick Leave.** Sick Leave means a period in which the employee is incapacitated from the performance of his duties by reason of sickness or injury, for a medical, surgical, dental, or optical examination or treatment, for enforced leave, or if his presence at work may jeopardize the health either of himself or of others, as follows:

1. Employees shall earn one day per month average.

2. Sick Leave accumulation shall not be limited.

a. Probationary employees (employees not yet having completed ninety (90) days of employment with the Chickasaw Nation Enterprises and Businesses)

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shall not be eligible for Sick Leave, with pay; provided Sick Leave shall be accruing while an employee is on probationary status.

b. If it is absolutely necessary that an employee be on leave, the status will be leave without pay.

c. The General Business Manager or immediate supervisor shall determine whether documentation shall be required if an employee exceeds twenty four (24) hours of Sick Leave per quarter.

d. In the event employment ceases, an employee is not eligible for payment for accumulated Sick Leave.

e. An employee may not donate Sick Leave to another employee.

3. **Request for Sick Leave.** A request for Sick Leave (for enforced leave, or for medical or optical examination, or for a surgical procedure for which an employee has prior knowledge of the anticipated absence) shall be submitted to the immediate supervisor prior to being excused. When there is no prior knowledge of absence, appropriate leave forms should be filed upon return to work. Sick Leave will be allowed only if the employee has notified or called his immediate supervisor of his absence.

4. **Certification of Illness.** The immediate supervisor may request medical certification as justification for Sick Leave.

5. **Transfer of Leave.** In an extended illness, where all of an employee's Sick Leave has been used, accumulated Annual Leave may be transferred until exhausted, then accumulated compensatory time may be transferred until exhausted, at which time the employee will be placed on leave without pay.

G. **Maternity Leave.** Maternity leave, for mother or father, shall not exceed thirty (30) working days, to be taken in one increment. Such leave may be charged first to Sick Leave and then to Annual Leave or first to Annual Leave and then to Sick Leave, as accrued, until such leave has been exhausted, then any compensatory time may be transferred until it has been exhausted, then the employee will be placed on leave without pay.

H. **Military Leave.** An employee who is a member of the National Guard, or any reserve components of the Armed Forces of the United States, shall be entitled to leave of absence from assigned duties for as many as fifteen (15) days in one fiscal year, to participate in military training. The Chickasaw Nation Enterprises and Businesses shall pay the difference in

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pay if the pay earned for military training is less than the employee would have earned while working the same number of days for the Chickasaw Nation Enterprises and Businesses.

I. **Leave Without Pay (LWOP).** At the discretion of the General Business Manager or immediate supervisor, there shall be provision for leave without pay.

J. **Leave for Court and Jury Services.**

1. When in obedience to a subpoena or direction by proper authority, an employee appears on a regular work day as a witness or a jury member for the federal government, the State of Oklahoma, or a political subdivision thereof, or as an expert witness, he shall be entitled to leave of absence, and the Chickasaw Nation Enterprises and Businesses shall pay the difference if the pay earned for said service is less than the employee

would have earned while working the same number of days for the Chickasaw Nation Enterprises and Businesses.

2. When an employee is subpoenaed in private litigation by some party other than the federal government, the State of Oklahoma, or a political subdivision thereof, to testify as an individual, the time absent shall be taken as Annual Leave, compensatory time, or leave without pay, at the employee's discretion.

K. **Furlough.**

1. When the work load is such that an employee or employees are not needed for a period of time, or an employee requests extended time off without pay, the employee or employees may be placed on temporary furlough status.

2. Employees that have been **involuntarily** furloughed may receive half pay for a period not to exceed six (6) months, and shall be recalled in the order that they were furloughed.

L. In the event an employee is terminated, or in the event of the resignation of an employee, said employee shall be paid for any accrued compensatory time as well as any accrued Annual Leave and any other leave for which an employee may be paid.

ARTICLE V Selection of Applicants

A. The General Business Manager shall strive to attain eighty five percent (85%)

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minimum Chickasaw preference and shall attract Chickasaws and qualified persons to compete for vacancies; provided that nothing in this Act shall be construed to imply that a non-Chickasaw shall be hired in order to attain said quota.

B. In establishing employment lists of eligible persons in competitive jobs for employment and/or promotion, certain preferences shall be allowed for Chickasaw citizens who have a valid CDIB or voter registration card.

C. Applications for positions shall be submitted on forms provided by the Chickasaw Nation Enterprises and Businesses in the manner specified in the applicable announcements.

D. All information submitted in connection with applying for positions is subject to verification.

ARTICLE VI Conditions of Employment

A. **Probation.** A probationary period of ninety (90) days is required for all newly hired or newly promoted employees. During this period, an employee's ability to perform his job is to be evaluated by his immediate supervisor after thirty (30) days, after sixty (60) days, and, finally, after the full ninety (90) day probationary period.

B. **Classification.** Positions may be either full-time, or part-time.

C. **Status Change.** Change in status from probationary employee to full-time employee shall be announced to the employee in writing and a copy of said written announcement shall be filed in his personnel file.

D. **Conduct.** Employees shall dress neatly and appropriately in performance of their work.

ARTICLE VII Personnel Actions

A. **Promotion.** Vacated positions shall be filled to the greatest possible extent by qualified employees promotion from within.

B. **Transfers.** Transfers of employees may be made administratively or in conjunction with an announced selection process. Accrued leave, compatible benefits, and

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comparable pay will be transferable between enterprises and businesses. The direct transfer of accrued Annual Leave and Sick Leave shall be for an employee who transfers directly. The earlier starting date of full-time employment will be observed when computing both Sick Leave and Annual Leave so that the transferring employee will not sacrifice additional accruals or the maximum dictated by seniority.

C. **New Positions.**

1. Salaries for positions or titles shall be approved by the Chickasaw Tribal Legislature.

2. The General Business Manager has the authority to reorganize work assignments, prescribe or change the duties and responsibilities assigned to any position or employee as needed (provided said employee or the incumbent of said position is qualified or trained to accommodate such change), and, with the advice and consent of the Legislature, to create positions, abolish positions, and change titles.

D. **Detail to Special Duty.**

1. When the services of an employee are temporarily needed in a position other than the class to which the incumbent is regularly assigned, the employee may be detailed to "special duty," at the discretion of the General Business Manager, to perform the duties of the position to which temporarily assigned, for a period not to exceed six (6) months.

2. A detail to special duty in no way shall affect the status, title, or position held prior to the detail.

3. An employee shall not be placed on detail to special duty more than six (6) months in any twenty four (24) month period.

4. Pay upon detail to special duty shall not be reduced, but must be increased to at least the minimum rate, but not more than the maximum rate the employee would receive upon promotion to that position. At the conclusion of the detail, pay shall revert to the authorized rate of pay in the employee's regular position.

E. **Demotion.** An employee shall be subject to demotion for the following reasons:

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1. if he has been found unsuited for his present position, but may be expected to give satisfactory service in a different position;

2. if his position has been either abolished or reallocated to a lower paying position, with the advice and consent of the Legislature, and if he cannot be transferred to a position of equal pay.

a. It shall be clearly indicated on all papers prepared in connection with a demotion that it in no way reflects on the employee's performance in the previous position.

b. An employee may be demoted by the General Business Manager, with advance notice.

c. Before any employee may be demoted, the General Business Manager shall provide the employee with:

1. a statement of the specific act(s) or omission(s) that are the reason(s), for the demotion; and

2. an explanation of the Enterprises and Businesses' reason(s).

F. **Resignation.** An employee who desires to end his employment in good standing should submit a written, signed resignation at least two (2) weeks in advance, setting forth his reasons for resigning. The General Business Manager may agree in writing to permit a shorter period of notice.

G. **Dismissals (Terminations).** Specific grounds for suspension or dismissal may include, but shall not be limited to:

1. repeated incompetence;

2. excessive and/or unauthorized absence or tardiness;

3. misappropriation of or unauthorized use of Enterprises and Businesses property or money;

4. gross insubordination;

5. use of, or withholding information concerning the knowledge of another's

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use of, intoxicants, or of substance abuse, while on duty or just prior to reporting for duty;

6. a felony conviction while an employee of the Chickasaw Nation;
7. sexual harassment.

H. **Procedures (Grievances).**

1. Employees shall elect five (5) members and two (2) alternates from a list of candidates who must file at the CBS office for a position on the Grievance Review Board. Any employee is eligible to serve in this office, provided that no supervisors shall serve on the Grievance Review Board. The members shall be seated initially by drawing for the length of term, which will run from less than a year to three (3) years. A new board member will be elected each year. After the first election, which shall be held within ninety (90) days after this Act becomes law, the election shall be on the regular election day in August. The newly elected member will take office October 1.

2. An employee may be suspended or dismissed by the General Business Manager, with advance notice.

- a. Advance notice shall include:
 - I. a statement of cause, and
 - ii. a statement of the right to appeal.

3. A suspension from duty, without pay, shall be for a period not to exceed five (5) working days, as a disciplinary action.

4. The suspended or dismissed employee may request an immediate hearing before the Grievance Review Board.

5. The employee and the General Business Manager shall be notified in the most expedient manner of the time, place, and circumstances of the meeting. Failure of the employee or the General Business Manager to appear, when properly notified, will close the case.

6. The Grievance Review Board will render a decision immediately, and the General Business Manager shall then execute the will of the Grievance Review Board.

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7. If the Grievance Review Board concurs with the suspension, a written statement of the reasons for the suspension shall be submitted to the employee at the time of such rendering.

8. A written statement of the reasons for the suspension or dismissal shall be submitted to the employee at the time of such rendering.

9. If the suspended or dismissed employee is a Chickasaw citizen, he may petition the Tribal Court to review his case. At the Petitioning of the Court, all evidence and information shall be submitted with the Petition within ten (10) working days after the Grievance Review Board's decision. The Tribal Court shall have the authority to render an opinion.

10. Any employee who has been suspended or dismissed and then been reinstated shall have all lost pay and benefits restored immediately.

I. **Reduction in Force.** If it is necessary to reduce personnel, the selection of employees to be retained shall be based primarily on their relative efficiency and the necessity of the job entailed.

J. **Compensation.**

1. Each Chickasaw Nation Enterprises and Businesses employee shall be paid a salary or wage in accordance with the Chickasaw Nation Enterprises and Businesses Compensation Plan, to be determined by the Chickasaw Tribal Legislature within ninety (90) days after this Act becomes law; provided no employee shall be paid less than the federally determined minimum wage.

2. The Compensation Plan is designed to provide pay increases to employees based upon merit and/or length of service.

K. **Pay Schedule.** Employees will be paid on a bi-weekly basis, on every other Friday. Should the pay day fall on a holiday, checks shall be issued on the preceding work day.

ARTICLE VIII Outside Employment

Employees may engage in outside employment, provided such outside employment does not conflict with an employee's duties and responsibilities to the Chickasaw Nation Enterprises and Businesses.

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ARTICLE IX Fringe Benefits

Full-time employees shall have the opportunity to join the health insurance plan in effect, and to access other fringe benefits in effect for the employees of the Chickasaw Nation, except as is elsewhere herein addressed.

ARTICLE X Grievances

It is the policy of the Chickasaw Nation to anticipate and avoid the occurrence of complaints and grievances of any and all employees, but to respond to them promptly if and when they do occur. All grievances shall be through the lines of authority **and in accordance with employee grievance procedures.**

ARTICLE XI Interest

No employee of the Enterprises and Businesses, during his tenure or for one year thereafter, shall have any interest in or derive personal benefit from any contracts related directly to his respective employer.

ARTICLE XII Enforcement of Code

Enforcement of this Code is the duty of the General Business Manager, and may include the following:

1. upon the first infraction of this Code, an employee may receive a verbal reprimand;
2. upon the second violation, a written reprimand may be presented;
3. the third violation may result in suspension without pay of said employee for five (5) days; and
4. the fourth violation may result in termination.

ARTICLE XIII Amendments

Should a question arise regarding the authority or guidelines governing the administration of personnel for the Chickasaw Nation Enterprises and Businesses, and should said question not be addressed by the expressed or implied principles of this Act, and should such authority or guidelines be deemed necessary, the Human Resources Committee of the Chickasaw Tribal Legislature shall generate an addendum to this Act addressing same, to

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become part of this Act upon approval of the Legislature.

ARTICLE F
JUDICIAL DEPARTMENT PERSONNEL RULES AND REGULATIONS
(RESERVED)

**ARTICLE G
RIGHT TO WORK**

Section 2-570.1 Short Title.
Section 2-570.2 Participation in Labor Organization as Condition of Employment Prohibited.

SECTION 2-570.1 **SHORT TITLE.**

This Title 2, Chapter 5, Article G shall be known and may be cited as the "Right to Work Act of 2005" ("Act"). (PR22-003, 11/19/04)

SECTION 2-570.2 **PARTICIPATION IN LABOR ORGANIZATION AS
CONDITION OF EMPLOYMENT PROHIBITED.**

A. As used in this Act, "Labor Organization" means any organization of any kind, or agency or employee representation committee or union, that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

B. No person shall be required, as a condition of employment or continuation of employment to:

1. resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a Labor Organization;
2. become or remain a member of a Labor Organization;
3. pay any dues, fees, assessments, or other charges of any kind or amount to a Labor Organization;
4. pay to any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata portion of dues, fees assessments, or other charges regularly required of members of a Labor Organization; or
5. be recommended, approved, referred, or cleared by or through a Labor Organization.

C. It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or

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paid over to a Labor Organization unless the employee has first authorized such deduction.

D. The provisions of this Act shall apply to all employment contracts entered into after the effective date of this Act and shall apply to any renewal or extension of any existing contract.

E. The courts of the Chickasaw Nation are vested with authority through injunctive relief to enforce the provisions of this Act. Any contract or agreement entered into in violation of this Act shall be declared by the courts of the Nation to be null and void upon application by proper case filing and judicial review. Any violation of this Act may be prosecuted by the Nation against any legal entity, by petition and case filing with trial before a tribal judge with a civil burden of proof for civil fine and/or judgment of up to \$5,000.00 for any violation of this Act. Any writing addressed to the Nation and delivered thereto, shall be deemed consent to the jurisdiction of the Nation for purposes of this Act.

F. No part of this Act shall be deemed to waive the sovereign immunity of the Nation or consent to the jurisdiction of any federally created entity.

**CHAPTER 6
TRAVEL POLICY**

**ARTICLE A
LEGISLATIVE TRAVEL POLICIES**

Section 2-601 Authority.

SECTION 2-601 AUTHORITY.

A. The Legislative Committee of the Chickasaw Nation Tribal Legislature, by committee rule, shall define and establish the Legislative Travel Policies for the Chickasaw Tribal Legislature. The Legislative Travel Policies and the rules established by the Legislative Committee to administer them, shall become effective when approved by the Tribal Legislature and concurred by the Governor of the Chickasaw Nation.

B. In the administration of the Legislative Travel Policy of the Chickasaw Tribal Legislature, such forms as are required by the Finance Department in the filing and payment of travel claims or advances as are being utilized at the time such claims or advances are requested and paid, shall be utilized by the Legislative Department and such travel claims and advances shall be paid from the budgeted funds of the Chickasaw Tribal Legislature without unreasonable delay. The Chickasaw Tribal Legislature may redirect unexpended budget line items to their travel line item, when needed.

C. The Legislative Travel Policy and the rules of administration shall apply, only to the Chickasaw Tribal Legislators, the Legislative Department Staff and any others the Chickasaw Tribal Legislature may, otherwise, designate.

D. All provisions in existence prior to the enactment of PR13-06, pertaining to specific travel policies and travel rules of the Chickasaw Tribal Legislature, except the provisions of GR6-28, are hereby repealed. Specifically, Section 2-602 through Section 2-607 are hereby repealed.

E. Nothing contained herein shall interfere with the payment of any travel claims or advances that are in process at the time PR13-06 becomes law.
(PR13-06, 3/15/96)

**ARTICLE B
GENERAL TRAVEL POLICY**

Section 2-611 Travel Policy for Employees and Officials.

SECTION 2-611 TRAVEL POLICY FOR EMPLOYEES AND OFFICIALS.

Whenever an elected tribal official or employee of the Chickasaw Nation, not paid from a federal or state program, is in proper and approved travel status, he may choose one of the following options:

1. The per diem rate shall be calculated using the actual lodging amount plus the government rate for meals and miscellaneous expenses; or
2. If such individual chooses, he or she may submit receipts for the actual expenses involved.

(GR6-28, 12/21/88; PR24-009, 6/20/07)

**CHAPTER 7
ETHICS**

**ARTICLE A
CHICKASAW NATION ETHICS COMMISSION**

Section 2-701.1	Commission Created.
Section 2-701.2	Appropriation; Compensation; Staff.
Section 2-701.3	Duties and Responsibilities.
Section 2-701.4	General Rules of Procedure.
Section 2-701.5	Enforcement.
Section 2-701.6	Appeals.

SECTION 2-701.1 COMMISSION CREATED.

A. There is hereby created a Chickasaw Nation Ethics Commission ("Commission"). The Commission shall be comprised of three (3) members who shall elect a Chairperson from among their number at their first meeting in each calendar year. Members shall be Chickasaw Citizens in accordance with tribal membership provisions included in Article II, Section 1 of the Constitution. Commissioners shall be nominated and confirmed in accordance with Title 2, Chapters 10 & 11, Article A of the Code of the Chickasaw Nation, and Article XI, Section 2 of the Constitution. The Commission shall be within the Judicial Department; however, the Commission shall make its decisions without input, advice or interference from any of the three departments of tribal government, any officer or employee thereof, or any other person not sitting on the Commission.

B. Commissioners shall serve for a term of three (3) years with an anniversary date of October 1. Commissioners shall be reappointed, or a replacement shall be appointed, at least sixty (60) days prior to the expiration of the term. Once the full Commission is seated, Commissioners shall draw lots to determine which of the members shall serve a one (1) year term, to be called Seat 1, two (2) year term, to be called Seat 2, or three (3) year term, to be called Seat 3. Thereafter, all members shall serve full three (3) year terms, with one (1) seat becoming vacant each subsequent year. No Commissioner shall serve more than six (6) consecutive years or two (2) terms plus any remaining term for which the Commissioner was appointed, which ever is longer.

C. Members of the Commission may resign at any time but may be removed only for cause. Vacancies occurring on the Commission shall be filled in the same manner as described and defined in Subsection A above. Vacancies shall be filled for the remainder of the respective term.

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D. No current public official or employee of the Nation shall serve on the Commission. No Commissioner shall be eligible for elected office for one (1) years after completing his term.

SECTION 2-701.2 **APPROPRIATION, COMPENSATION, STAFF.**

A. The Commission shall receive an annual appropriation included in the annual tribal budget sufficient to enable it to perform its duties as set forth herein. Any funds appropriated to the Commission which remain unspent at the end of the fiscal year shall be returned to the General Fund.

B. The Commission shall present its proposed budget through the Judicial Department to the office of Governor of the Chickasaw Nation in accordance with established protocol.

C. Commissioners shall receive reimbursement for travel, lodging and meals while on official business as provided by Chickasaw Nation policy; otherwise, Commissioners shall not be compensated.

D. The Commission may employ an office manager and maintain an office in a location provided by the Judicial Department.

SECTION 2-701.3 **DUTIES AND RESPONSIBILITIES.**

In accordance with all powers and authority as provided in this Act and elsewhere in the Chickasaw Nation Code, the Commission shall have the specific duties, responsibilities and authority to:

1. Provide written advisory opinions, when required by law or deemed by the Commission to be necessary; to guide conduct and address specific questions when requested by public officials and employees of the Nation; and provide written decisions when hearing complaints, challenges or any other matter as provided by Chickasaw law.

2. Conduct administrative hearings to hear complaints and determine violations or noncompliance with the Chickasaw Nation Ethics in Government Act of 2002. All Commission hearings shall follow rules of procedure promulgated by the Commission with input and assistance from the Judicial, Legislative and Executive Departments and presented to the Legislature for their rejection, amendment, alteration and/or approval. A complainant shall present his complaint.

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3. Dismiss any complaint which the Commission determines has insufficient facts to constitute a violation of, or is in noncompliance with, the Chickasaw Nation Ethics in Government Act of 2002 Act or other Chickasaw law; or provides insufficient evidence to support the allegations; or is otherwise outside the authority of the Commission.

4. Issue a written opinion or decision detailing the finding of facts and reasoning, or lack thereof, of any issue heard by the Commission to the complainant and other interested parties including the Governor and Legislature.

SECTION 2-701.4 **GENERAL RULES OF PROCEDURE.**

A. Unless otherwise provided by Chickasaw law, no action shall be brought more than two (2) years after such cause of action has occurred or been discovered, whichever occurs later.

B. The Commission may recommend any sanctions, civil damages, restitution, or other penalties as provided herein.

C. Complainant(s) and person(s) who are the subject of ethics complaint(s) have the right to present evidence, to testify in their own behalf, question witnesses against them and call witnesses to testify in support of their respective causes.

D. The burden of proof shall be on the complainant and decisions will be made according to preponderance of the evidence.

E. Two (2) Commissioners shall constitute a quorum; decisions shall be made by majority vote. In the event only two (2) Commissioners are present, decisions shall be made by unanimous vote.

SECTION 2-701.5 **ENFORCEMENT.**

All decisions issued by the Commission shall be enforced by the Executive Department.

SECTION 2-701.6 **APPEALS.**

A. The Chickasaw Nation District Court shall have jurisdiction to hear all appeals

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from decisions of the Commission involving public officials, candidates for public office, applicants for voting privileges and employees of the Nation.

B. Pursuant to the procedures for appeal provided by Title 5, Chapter 1, Articles B, Section 5-102.1 of the Chickasaw Nation Code, a Notice of Intent to Appeal and Petition for Appeal, as defined in Title 5, Chapter 1, Article B of the Chickasaw Nation Code, shall be filed with the District Court within thirty (30) days of the issuance of a decision of the Commission or such appeal will be barred.

C. All appeals to the Court shall be heard *de novo*. (PR20-011, 6/20/03)

**ARTICLE B
CHICKASAW NATION
ETHICS IN GOVERNMENT ACT**

Section 2-702.1	Title.
Section 2-702.2	Authority.
Section 2-702.3	Legislative Purpose and Intent.
Section 2-702.4	Definitions.
Section 2-702.5	Standards of Conduct and Restricted Activities of Public Officials and Employees of the Nation.
Section 2-702.6	Sanctions; Penalties; Legal Liabilities.
Section 2-702.7	Severability.
Section 2-702.8	Prior Law and Policies Superseded.
Section 2-702.9	Effective Date.

SECTION 2-702.1 TITLE.

Be it hereby enacted by the Chickasaw Tribal Legislature, that this Act shall be cited as the "Chickasaw Nation Ethics in Government Act of 2002" (hereinafter referred to as this "Act"). This Act shall be codified at Title 2, Chapter 7, Article B of the Code of the Chickasaw Nation.

SECTION 2-702.2 AUTHORITY.

This Act is hereby promulgated pursuant to Article VII, Section 4 of the Chickasaw Nation Constitution whereby "The Tribal Legislature shall enact rules and regulations pertaining to the Chickasaw Nation."

SECTION 2-702.3 LEGISLATIVE PURPOSE AND INTENT.

A. Purpose.

The government of the Chickasaw Nation is founded upon the consent of the governed and Chickasaw Citizens are entitled to have complete confidence in the loyalty and integrity of their government. The purpose of this Act, therefore, is to increase accountability to Chickasaw Citizens by their elected, appointed and assigned Public Officials and Employees of the Nation in exercising the authority vested or to be vested with them as a matter of public trust, by:

1. Establishing and requiring adherence to standards of conduct to avoid Conflicts of Interest, or appearance of Conflicts of Interest, as the use of Public Offices,

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Employment or property, tribal or U.S. Government, for private gain, the granting and exchange of favored treatment to persons, Businesses or organizations; and the conduct of activities by Public Officials and Employees of the Nation which permits opportunities for private gain or advantage to influence government decisions; and

2. Requiring Public Officials and Employees of the Nation to abstain from using any function of their office or duties in a manner which could place, or appear to place, their personal economic or special interests before the interests of the Chickasaw Nation.

B. Intent.

It is the intent of the Chickasaw Tribal Legislature that the provisions of this Act be construed and applied in each instance so as to accomplish its purposes of protecting Chickasaw Citizens from government decisions and actions resulting from, or affected by, undue influences or Conflicts of Interest.

SECTION 2-702.4 DEFINITIONS.

As used in this Chapter:

1. "Affinity" means the relation among a person and the family of such person's spouse because of marriage. The degrees of Affinity are computed as are the degrees of Consanguinity.

2. "Business" includes any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any Business, trust, holding company, corporation, partnership, joint venture, or sole proprietorship, Consultant or other self-employed enterprise. "Business" also includes any Business in which a person subject to this Act or a member of such person's Immediate Family is a director, officer, partner, trustee or Employee, holds any position of management or receives Compensation or Income in any form such as wages, commission, direct or indirect investment worth more than \$1,000 or holds any ownership, security or other beneficial interest, individually or combined, amounting to more than ten percent (10%) of said Business.

3. "Chickasaw Nation" or "Nation" means the tribe of Indians located within the boundaries set forth in the Constitution of the Chickasaw Nation, being duly recognized by the Secretary of Interior of the United States of America, as a self governing, sovereign

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government. “Chickasaw Nation” or “Nation” is used herein to describe the lands and people of the Chickasaw Nation.

4. “Citizens” means any Chickasaw Indians by blood, whose names appear on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906 (34 Stat. 137) and their lineal descendants.

5. “Commission” means the Chickasaw Nation Ethics Commission.

6. “Compensation” or “Income” means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof.

7. “Confidential Information” means information which by law or practice is not available to the public at large or is deemed Confidential by a Governmental Body.

8. “Conflict of Interest” means the reasonable foreseeability or appearance that any personal interest or Economic Interest of a Public Official or Employee of the Nation will be affected in any materially different manner from the interest of the general public, by any decision, enactment, agreement, award or other official action or function of any Governmental Body or political subdivision of the Nation.

9. “Consanguinity” means relationship by blood; kinship.

10. “Consultant” means a person who gives professional or expert advice or services for Compensation or Income.

11. “Constitution” means the Constitution of the Chickasaw Nation as ratified by the voters of the Chickasaw Nation on August 27, 1983, and amendments thereto.

12. “Court” means the Supreme Court or a lower court, whichever is the court of competent jurisdiction at the time the cause of action is first presented to the Commission.

13. “Employee” means any person or entity working for, or rendering or exchanging any services or performing any act for or on behalf of another person, organization or entity in return for any form of pay or other Compensation or Income or any other thing of value received or to be received anytime temporarily, permanently or indefinitely, in any capacity; whether as agent, servant, representative, Consultant, advisor, independent contractor or otherwise.

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14. “Employment” means the status or relationship existing or created by and between a person designated or acting as an Employee and the person, organization, group or other entity for whom or on whose behalf any such work, acts, services or other benefit has been, is being or will be rendered or performed for pay or any other form of Compensation or Income.

15. “Economic Interest” means an interest held by a person subject to this Act and/or members of such person’s Immediate Family which is:

a. any ownership, Compensation or Income, investment, security or other beneficial interest in a Business, or

b. any Employment or prospective Employment for which negotiations have already begun.

16. “Gift” includes any gratuity, special discount, favor, hospitality, payment, loan, subscription, economic opportunity, advance, deposit of money, services, or other benefit received without equivalent consideration.

17. “Governmental Body” means any branch, entity, enterprise, authority, division, department, office, commission, council, board, bureau, committee, legislative body, agency, and any other establishment of the Executive, Legislative, and/or Judicial Department of the Nation.

18. “Immediate Family” includes spouse, father, mother, child, brother or sister or other person when identified as such by tribal customs and traditions or by proper and appropriate authorities.

19. “Ministerial Action” means an action that a Public Official or Employee of the Nation performs in a given state of facts in a prescribed manner in obedience to a mandate of legal authority, without regard to, or in the exercise of, such person’s own judgment upon the propriety of the action being taken.

20. “Pecuniary” means monetary; relating to money; financial; consisting of money or that which can be valued in money.

21. “Employee of the Nation” means any employee who is temporarily, periodically, permanently or indefinitely in the Employment of the Nation and/or any

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Governmental Body thereof, including intergovernmental personnel.

22. "Public Office/Official." "Public Office" means those offices and positions which are elective or appointed in any Governmental Body of the Nation. "Public Official" means any person holding such office or position. "Public Official" shall also include any person who has publicly announced an intent to campaign for Public Office, initiated fundraising activities or received funds for such campaign, authorized promotion for, or filed a declaration of candidacy or a petition to appear on the ballot for election as a Public Official; and any person who has been nominated by a Public Official or Governmental Body for appointment to serve in any public capacity, position or office, but who has not yet been seated in such public capacity, position or office.

SECTION 2-702.5

**STANDARDS OF CONDUCT AND RESTRICTED
ACTIVITIES OF PUBLIC OFFICIALS AND EMPLOYEES
OF THE NATION.**

A. Conduct in Conformity with Applicable Rules and Laws.

Public Officials and Employees of the Nation shall at all times conduct themselves so as to reflect credit upon the Chickasaw Nation and government and comply with all applicable laws of the Chickasaw Nation with respect to their conduct in the performance of the duties of their respective office or Employment.

B. General Prohibitions; Conflicts of Interest.

1. No Public Official or Employee of the Nation shall use, attempt to use, or appear to use or attempt to use, any official or apparent authority of their office or duties which places, or could reasonably be perceived as placing, their or their Immediate Family's private economic gain or that of any special Business interests with which they are associated, before those of the Nation whose paramount interest their office or Employment is intended to serve.

2. It is the intent of this Subsection that Public Officials and Employees of the Nation of the Chickasaw Nation avoid any action, whether or not specifically prohibited herein, which could result in, or create an appearance of:

- a. using Public Office for private gain;
- b. giving preferential treatment to any person or special interest

organization;

- c. impeding governmental efficiency or economy;
- d. losing or compromising complete independence or impartiality of actions;
- e. making a government decision outside official channels; and/or
- f. adversely affecting the confidence of Chickasaw Citizens in the integrity of the government of the Chickasaw Nation.

C. Use of Confidential Information for Private Gain.

No Public Official or Employee of the Nation shall use or disclose Confidential Information gained in the course of, or by reason of, their official position or activities to further their private Economic Interest or personal interest or that of anyone else.

D. Restrictions Against Incompatible Interests or Employment.

1. Public Officials and Employees of the Nation shall not:

a. have direct or indirect financial or other Economic Interests nor engage in such other Employment or economic activity which, as determined in accordance with the provisions of this Act and other applicable laws of the Chickasaw Nation, necessarily involves inherent substantial conflict, or has the appearance of involving such inherent substantial conflict, with their responsibilities and duties as Public Officials or Employees of the Nation of the Chickasaw Nation; nor

b. engage in, directly or indirectly, financial or other economic transactions as a result of, or primarily depending upon, information obtained through their Public Office or Employment; nor

c. acquire any economic or other financial property, contractual or other Economic Interest at a time when they believe, or have reason to believe, that it will directly and substantially affect or be so affected by their official actions or duties.

2. Subject to the restrictions and conditions set forth herein, Public Officials and Employees of the Nation are free to engage in lawful financial transactions to the

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same extent as the general public. Governmental Bodies may, however, adopt further approved restrictions upon such transactions or Employment, as authorized herein and by other applicable laws of the Nation, in light of special circumstances or the particular duties of such Public Official or Employee of the Nation.

3. No Business or Governmental Body shall employ a Public Official or Employee of the Nation if such Employment is prohibited by or otherwise violates any provision of this Act.

4. The term "Employment" within the meaning of this subsection includes professional services and other services rendered by a Public Official or Employee of the Nation, whether rendered as an Employee, Consultant or other independent contractor.

E. Appropriate Actions in Case of Conflict of Interest.

1. When a Public Official or Employee of the Nation is required to take official action on a matter in which such Public Official or Employee of the Nation has a personal Economic Interest, they should first consider eliminating that interest. If such is not feasible nor required under Subsection D above, such Public Official or Employee of the Nation shall:

a. prepare and sign a written statement describing the matter requiring action and the nature of the potential conflict for inclusion in the official record of any vote or other decision or determination and also for the information of the Commission, immediately upon becoming aware of such matter and potential conflict;

b. abstain from voting, sponsoring, influencing or in any manner attempting to influence any vote, official decision or determination which would favor or advance such person's personal Economic Interest in such matter; and

c. abstain from voting or otherwise participating in an official vote, decision or determination of such matter, unless otherwise directed by the authorized residing official of the Governmental Body making such decision or determination, or as otherwise required or allowed by applicable law.

2. Unless otherwise required or allowed by applicable law, the abstention by such Public Official or Employee of the Nation from voting or otherwise participating in an official decision or determination of a matter shall not affect the presence of such Public Official or Employee of the Nation for purposes of establishing a quorum

necessary for a Governmental Body to take action of voting, deciding or determining such matter.

3. Employees of the Nation shall also deliver a copy of such statement described in Subparagraph 1.a above to the Commission and to their immediate superior who shall assign the matter to another. If such Employee has no immediate superior, he or she shall take such steps as the Commission shall prescribe or advise to abstain from influencing actions and decisions in the matter.

4. In the event that a Public Official's or Employee of the Nation's participation is otherwise legally required or allowed for the action to be made, such Public Official or Employee of the Nation and appropriate Public Official or immediate superior requiring such participation shall fully report the occurrence to the Commission.

F. Tribal Governmental Contracts; Restrictions and Bid Requirements.

No Public Official or Employee of the Nation, or any member of such person's Immediate Family, shall be a party to, nor have an interest in, the profits or benefits of any governmental contract or be the recipient of investment by the Chickasaw Nation, unless the contract or the investment meets the following requirements:

1. the contract or investment is let by notice and competitive bid or procurement procedures as required under all applicable laws, rules, regulations and policies of the Nation or other appropriate agency for materials or services for the Governmental Body or entity involved;

2. the entire transaction is conducted at arm's length with the Governmental Body's full knowledge of the interest of the Public Official or Employee of the Nation or a member of their Immediate Family;

3. the Public Official or Employee of the Nation has taken no part in the determination of the specifications, deliberations or decisions of a Governmental Body with respect to the public contract; and

4. the Public Official or Employee of the Nation is not a member, office holder, Employee or otherwise directly associated with the same Governmental Body or entity primarily responsible for letting, performing, receiving, regulating or otherwise supervising the performance of the contract.

G. Restrictions on Assisting or Representing Other Interests Before Governmental Bodies for Compensation.

1. Public Officials or Employees of the Nation shall not use their Employment related contracts, relationships or dignity of their office to represent or advocate any interests or persons before any decision-making Governmental Body for payment or other form of Compensation or Income by any entity, interest or person. This Section shall not be construed to prohibit the duties of elected or appointed Public Officials to represent their constituents' interests before Governmental Bodies nor the performance of Ministerial Actions. It does, however, for example, prohibit representation of non-Citizens' interests for any fee or Compensation or Income in seeking to obtain any legislation, contract, payment of any claim or any other governmental benefit.

2. Nothing in this Act shall prevent a former Public Official or Employee of the Nation from appearing and giving testimony under oath, nor from making statements required to be made under oath, nor from making statements required to be made under penalty of perjury, nor from making appearances or communications concerning matters of a personal and individual nature which pertain to such former Public Official or Employee of the Nation or are based upon such person's own special knowledge of the particular subject involved, not otherwise privileged from disclosure by other applicable law; and provided further, that no Compensation or Income is thereby received other than that which is regularly provided for witnesses by law or regulation.

3. The Nation, its Governmental Bodies and political subdivisions shall not enter into any contract with, nor take any action favorably affecting or economically benefitting in any manner differently from members of the public at large, any person, Business, or Governmental Body, which is assisted or represented personally in the matter by a Public Official or Employee of the Nation or directly contributed to the making of such contract or taking of such action by the Nation or any Governmental Body or political subdivision thereof.

4. Nothing contained in this section shall prohibit a former Public Official or Employee of the Nation from being retained or employed by a Governmental Body.

H. Unauthorized Compensation or Income or Benefit for Official Acts.

1. No Public Official or Employee of the Nation shall accept or receive any benefit, favor or other form of Compensation or Income for performing the official duties of their office or Employment, beyond the amount or value which is authorized and

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received in their official capacity for performing such duties.

2. This Section shall not be construed to prohibit the receipt of authorized Compensation or Income for the performance of other distinct and lawful public duties by Public Officials or Employees of the Nation.

3. No Public Official or Employee of the Nation, however, shall accept any benefit, favor or other form of Compensation or Income for the performance of the duties of any other office or Employment not actually performed or for which such Public Official or Employee of the Nation is not otherwise properly authorized or entitled to receive.

I. Unauthorized personal use of property or funds of the Nation.

No Public Official or Employee of the Nation shall use any property of the Nation or any other public property of any kind for any use other than as authorized and approved for official purposes and activities. Such persons shall properly protect and conserve all such property, equipment and supplies which are so entrusted, assigned or issued to them.

J. **Staff Misuse Prohibited.**

Public Officials and Employees of the Nation shall only utilize Employees of the Nation and staff only for the official purposes for which they are employed or otherwise retained.

K. **Nepotism Prohibited.**

No Public Official or Employee of the Nation shall employ, elect, appoint, or otherwise cause to be employed, nor nominate, nor otherwise influence the appointment or Employment to any Public Office or position with the Nation or any Governmental Body or political subdivision thereof, any person or persons related by Consanguinity or Affinity within the third degree, nor any Immediate Family member of said Public Official or Employee of the Nation. Assignment of such persons to duties, positions, governmental offices or other entities shall in all instances be made in strict compliance with the provisions of the Personnel Policies and Procedures of the Nation, as amended from time to time.

L. **Retaliation Prohibited.**

1. Retaliation against any party or witness to a complaint is hereby prohibited. Retaliation shall include any unjustified or unsubstantiated form of adverse or punitive action against a complainant, party or witness in an ethics-related cause of

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action brought before the Commission. Retaliation is considered an ethics violation in and of itself. Protection against retaliation shall also be afforded to any person(s), including Commission members and staff, offering testimony or evidence or complying with directives of the Commission.

2. Any violations of this Section shall be subject to penalties as defined herein, as well as obstruction and contempt violations of both the civil and criminal codes of the Nation, where applicable.

M. Restrictions Against Gifts or Loans to Influence Official Acts.

Except as otherwise provided herein or by applicable rule or regulation adopted hereunder by the Chickasaw Tribal Legislature or by other applicable law, no Public Official or Employee of the Nation shall solicit or accept for themselves or another, any Gift, including economic opportunity, favor, service, or loan (other than from a regular lending institution on generally available terms) or any other benefit of an aggregate monetary value of one hundred dollars (\$100) or more in any calendar year, from any person, organization or group which:

1. has, or is seeking to obtain, contractual or other Business or financial relationships or approval from any Governmental Body, office or entity with which the Public Official or Employee of the Nation is associated or employed; or

2. conducts operations or activities which are regulated or in any manner supervised by any Governmental Body with which the Public Official or Employee of the Nation is associated or employed.

N. Permitted Gifts, Awards, Loans, Reimbursements and Campaign Contributions.

Subsection L above shall not be construed to prohibit:

1. an occasional non-pecuniary Gift, insignificant in value;

2. gifts from, and obviously motivated by, family or social relationships, as among Immediate Family members or family inheritances;

3. food and refreshments customarily made available in the ordinary course of meetings where a Public Official or Employee of the Nation may properly be in attendance;

4. an award or honor customarily and publicly presented in recognition of public service;

5. a political campaign contribution, in accordance with all applicable election laws and provided that no promise or commitment regarding the official duties of office or Employment is made in return for such contribution.

6. gifts of any large value made to the Chickasaw Nation.

O. Adoption of Supplemental Codes of Conduct for Public Officials and Employees of the Nation.

The chief executive or administrator of every Governmental Body or subdivision of the Nation which is subject to the provisions of this Act is authorized to submit for approval through their chain of command such supplemental rules, regulations and standards of conduct for Public Officials and Employees of the Nation of such entity, which are necessary and appropriate to the special conditions relating to their particular functions, purposes and duties, provided such are not in conflict with the purposes and other provisions of this Act. Upon adoption, such supplemental standards rules and regulations shall be implemented in the same manner and to the extent applicable, as are all other standards, rules and regulations provided and adopted in accordance with the provisions of this Act.

SECTION 2-702.6

SANCTIONS; PENALTIES; LEGAL LIABILITIES.

A. Administrative Sanctions.

1. Upon finding that there has been an ethical violation, the Commission may recommend any single, a combination or all of the following penalties or sanctions, depending upon the severity of the violation:

a. For Public Officials, recommendation for reprimand, removal, discharge, termination of Employment or recommendation for consideration of impeachment from Public Office in accordance with the Constitution and applicable Chickasaw law and procedure. For candidates for Public Office, any remedies provided elsewhere in the Code of the Chickasaw Nation.

b. For Employees of the Nation, recommendation for discipline, including suspension without pay or other benefits and dismissal as provided by other laws, regulations and personnel policies or procedures applicable thereto.

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c. For Public Officials and Employees of the Nation, issuance of a private reprimand, which shall be entered into such person's permanent record of Employment or office and upon the permanent record of the Public Office or entity of which such person is a member or Employee of the Nation, in accordance with provisions of applicable Chickasaw law and procedures.

d. For Public Officials and Employees of the Nation, issuance of a written public reprimand, which shall be entered into such person's permanent record of Employment or office and upon the permanent record of the Public Office or entity of which such person is a member or Employee of the Nation, according to provisions of applicable Chickasaw law and procedures or in the Chickasaw Times Newspaper.

2. No sanctions or penalty provided herein shall limit any other powers of the Judicial, Executive or Legislative Departments of tribal government, nor of any other Governmental Body or entity nor administrative officials or Employees of the Nation under other applicable law, rules, regulations or procedures.

B. Other Civil Damages.

1. Any person subject to this Act found in violation may be further subject to, and personally liable for, the following provisions, without regard to the imposition of any administrative sanction or criminal conviction:

a. imposition of restitution for amount of actual damages or such other civil penalties as hereinafter provided; and/or

b. imposition of civil damages in an amount not exceeding three (3) times the amount or actual value of the benefit(s) so obtained.

2. If two (2) or more Public Officials or Employees of the Nation are responsible for any violation, each of them may be liable to the Nation for the full amount of any restitution and/or civil damages described above, the full amount of which may be imposed upon and collected from each one of them individually or jointly with others.

3. Any civil penalties imposed hereunder shall be collected in any manner authorized for recovery of debts or obligations owed to the Nation and shall be paid into the court fund of the Nation.

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4. No imposition of any or all civil damages provided herein shall prohibit the institution of any other civil or criminal action, liability, judgment, conviction or punishment otherwise applicable thereto, nor shall determination of any such civil damages be barred thereby.

5. Any person knowingly and willfully filing any complaint authorized under this Act or by any other applicable law, without just cause or good faith belief and with malice or other improper purpose, including personal, political or other harassment or embarrassment, shall be guilty of a civil offense and for such offense may be fined up to five hundred dollars (\$500) per occurrence.

SECTION 2-702.7 **SEVERABILITY.**

If any provision of this Act or the application of such provision to any person, firm, association, corporation or circumstances shall be held invalid, the remainder of this Act, and the application of such other provisions than those as to which are held to be invalid, shall not be affected thereby.

SECTION 2-702.8 **PRIOR LAW AND POLICIES SUPERSEDED.**

Subsection 2-702.5.O herein notwithstanding, upon the effective date of this Act, all prior enactments, laws, rules, policies, ordinances and regulations of the Chickasaw Nation and its Governmental Bodies are superseded hereby and/or amended to comply herewith.

SECTION 2-702.9 **EFFECTIVE DATE.**

The effective date of all provisions of this Act as promulgated herein shall be the first day of July, 2003. (PR20-010, 6/20/03)

**CHAPTER 8
RECORDS AND ARCHIVES**

Section 2-801	Citation of Title.
Section 2-802	Authority.
Section 2-803	Definitions.
Section 2-804	Constitutional Basis.
Section 2-805	Other Names; Appropriate.
Section 2-806	Parameters.
Section 2-807	Effective Date and Format.
Section 2-808	Continuation of Laws.
Section 2-809	Expansion of Code not Limited.
Section 2-810	New Enactments; Adoption.
Section 2-811	Updating and Distribution.
Section 2-812	Sales and Revenues.
Section 2-813	Maintenance; Rules and Regulations.
Section 2-814	Titles Enumerated; Current.

SECTION 2-801 **CITATION OF TITLE.**

This Act may be cited as the "Code of the Chickasaw Nation Act of 1994." (TL11-010, 6/17/94)

SECTION 2-802 **AUTHORITY.**

The Chickasaw Nation Tribal Legislature determined that a need exists for a code of laws to be enacted for the Chickasaw Nation.

SECTION 2-803 **DEFINITIONS.**

Definitions:

1. "The Chickasaw Nation" means the tribe of Indians located within the boundaries set forth in the Constitution of the Chickasaw Nation, being duly recognized by the Secretary of the United States Department of the Interior as a self-governing, sovereign government;
2. "Constitution" means the Constitution of the Chickasaw Nation as ratified by the voters of the Chickasaw Nation on August 27, 1983;

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3. "Chickasaw Tribal Legislature" or "Legislature" means the legislative branch of the Chickasaw Nation Tribal Government as created and empowered by Articles V, VI, VII, VIII, IX and XVIII of the Constitution;

4. "Code," "Chickasaw Nation Code," "Chickasaw Code" or "Tribal Code" means the Code adopted by this Act;

5. "Effective Date" means the date that the Code of Tribal Laws shall be effective, as included in this Act;

6. "Act" means this Act, as identified in Section 2-801;

7. "Enactment," "Act," "Resolution" or "Law" means all actions taken by the Legislature which may have the full force and effect of law.

SECTION 2-804

CONSTITUTIONAL BASIS.

The basis for authority of this Act is Article VI, Section 1, of the Constitution, wherein the Legislature is granted legislative authority of the Chickasaw Nation, and in Article VII, Section 4, wherein the Legislature is granted the power and authority to enact rules and regulations pertaining to the Chickasaw Nation in accordance with the Constitution.

SECTION 2-805

OTHER NAMES; APPROPRIATE.

A codification of the enactments and other appropriate legislation of the Chickasaw Nation, through the Chickasaw Tribal Legislature, is hereby adopted as the "Code of the Chickasaw Nation," "Chickasaw Nation Code," "Tribal Code," "Code" or by any other properly identifying designation.

SECTION 2-806

PARAMETERS.

This Code shall be treated and considered as a comprehensive enactment of the Legislature which shall codify all general and permanent enactments enacted by the Legislature prior to October 1, 1992, and provides that all laws enacted on or after October 1, 1992, shall, subsequently, be made a part of the Code in accordance with the provisions herein.

SECTION 2-807

EFFECTIVE DATE AND FORMAT.

All provisions of this Code shall be in full force and effect from the date this Act

becomes law. The codification of the laws of the Chickasaw Nation is intended to be a recital of those laws within an organized format that provides for proper classification of the laws under specific captions called Titles, Chapters, Sub-chapters, Sections, Sub-sections, Parts and Sub-parts, and other such captions as are customary with a codification, whether specified or not.

Inadvertent omission of a law or part of a law into the code which is not in conflict with other laws does not void or repeal that law, but, upon discovery of its omission in the code, shall be inserted into the code without further direction from the Legislature.

SECTION 2-808 **CONTINUATION OF LAWS.**

The provisions appearing in this Code, so far as they are the same as those enactments existing as of October 1, 1992, shall be considered as continuations thereof and not as new enactments.

SECTION 2- 809 **EXPANSION OF CODE NOT LIMITED.**

The provisions in this Code include, but are not limited to, revised and new provisions or regulations in each of the titles and chapters in the Code.

SECTION 2-810 **NEW ENACTMENTS; ADOPTION.**

A. Enactments and parts of enactments of a permanent and general nature passed or adopted on or after the effective date of this Code may be passed or adopted either:

1. in the form of amendments to the Code adopted by this Act; or
2. without specific reference to the Code.

B. In either case, all such enactments and parts of enactments shall be deemed amendments to the Code. All of the substantive permanent and general parts of such enactments, and changes, made thereby in the Code, shall be inserted in the Code by the Legislature on at least a semi-annual basis and without further direction by resolution or enactment of the Legislature, or as may otherwise be provided.

SECTION 2-811 **UPDATING AND DISTRIBUTION.**

A. By contract or by the Chickasaw Nation's personnel, a change or supplement to the Code shall be prepared and printed whenever authorized or directed by the Legislature. The Code and updates shall be maintained both in printed form and on CD. A change to the Code shall include all substantive permanent parts of enactments passed by the Legislature or adopted

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by initiative and referendum, if any, during the period covered by the change and all changes made thereby in the Code. The printed pages of a change shall be so numbered that they will fit properly into the Code and where necessary, replace pages which have become obsolete or partially obsolete, and new pages shall be so prepared that, when they have been inserted, the Code will be kept up to date. Updates will require the preparation of a new CD containing the entire updated Code. The words "as amended" and the date, shall appear at the top of the first page of each Title.

B. After every change has been prepared and printed, a number of copies of the change equal to the number of copies on order, or the number of copies of the Code still in existence, shall be distributed to the holders of the Code. Except as otherwise provided in this Section, the Code and updates shall be distributed in both printed form and on CD. All copies distributed to the Executive Department shall be delivered to the office of the Governor. All copies distributed to the Judicial Department shall be delivered to the office of the Supreme Court Clerk of Court.

C. Members of the Chickasaw Bar Association shall receive the Code and updates on CD only. All copies to be distributed to the members of the Chickasaw Bar Association shall be delivered to the Judicial Department.

D. The Code shall also be maintained and updated on the internet site in PDF format for the use of the general public.

SECTION 2-812 SALES AND REVENUES.

The Governor, is hereby authorized and directed to sell copies of the Code on CD to the public at a price determined from time to time by the Legislature. The expense of printing, updating and distributing the Code shall be borne by the Legislature through the annual budget. Revenues from the sale of copies of the Code shall be handed over to the Comptroller to be deposited to the General Fund and credited to the budget of the Legislature of the Chickasaw Nation. Such credit shall be computed, quarterly, on the basis of the fiscal year.

SECTION 2-813 MAINTENANCE; RULES AND REGULATIONS.

The Tribal Legislature, by approval of a simple majority of the Legislative Committee, may adopt rules and regulations regarding the general maintenance of the codification. A copy of such rules and regulations shall be kept in the Governor's office for public inspection.

SECTION 2-814 TITLES ENUMERATED, CURRENT.

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The Code, hereby adopted, consists of the following Titles:

- | | | | |
|-----|---|-----|-------------------------------|
| 1. | General Provisions | 13. | Health & Social Services |
| 2. | Administration of Tribal Affairs & Government | 14. | Labor & Employment |
| 3. | Business Organizations, Professions & Licensing | 15. | Lands & Natural Resources |
| 4. | Community & Economic Development | 16. | The Legislature & Legislation |
| 5. | The Courts & Procedure | 17. | Offenses |
| 6. | Domestic Relations & Families | 18. | Real & Personal Property |
| 7. | Education | 19. | Safety & Law Enforcement |
| 8. | Elections & Campaigns | 20. | Utilities |
| 9. | Enterprises (Tribal) | 21. | Vehicles & Highways |
| 10. | Finance & Taxation | | |
| 11. | Fish, Game & Animals | | |
| 12. | The Governor | | |

**CHAPTER 9
NEWSPAPER**

Section 2-901	Title/Findings.
Section 2-902	Definitions.
Section 2-903	Authority.
Section 2-904	Editorial Policy.

SECTION 2-901 TITLE/FINDINGS.

A. **Title.**

1. Be it enacted by the Tribal Legislature of the Chickasaw Nation assembled, that this act may be cited as “The Chickasaw Newspaper Act.”

B. **Findings.**

1. Tribal funds are used to publish the Chickasaw Newspaper, and these funds must be utilized efficiently without waste or misuse.

2. Providing true and accurate information to Chickasaw citizens is of utmost importance.

3. The current Tribal Newspaper is commonly known as the Chickasaw Times.

4. There exists a need to establish formal, uniform guidelines and procedures governing the administration and publication of the Chickasaw Times.

5. There exists a need to establish a formal job description for the editor of the Chickasaw Times.

(TL4-003, 11/21/86)

SECTION 2-902 DEFINITIONS.

For the purpose of this Act:

1. “Chickasaw Nation” shall mean the tribe of Indians located within the boundaries set forth in the Constitution of the Chickasaw Nation being duly recognized by the Secretary of Interior of the United States of America, as a self governing,

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independent sovereign government.

2. "Constitution" shall mean the Constitution of the Chickasaw Nation as originally adopted by the people on August 27, 1983.

3. "Chickasaw Citizen" shall mean any Chickasaw Indian by blood, whose name appears on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906 (34 Stat. 137) and their lineal descendants.

4. "Tribal Legislature" shall mean the Legislative Department of the Chickasaw Nation as set forth in Article VI of the Constitution of the Chickasaw Nation adopted August 27, 1983.

5. "Chickasaw Times" or "Times" means the current official newspaper of the Nation;

6. "Editor" means the current editor of the Chickasaw Times who has independent authority to publish the tribal newspaper.

SECTION 2-903

AUTHORITY.

The basis for authority of this Act is Article VII, Section 4 of the Constitution of the Chickasaw Nation, wherein the Tribal Legislature is granted the power and authority to enact rules and regulations pertaining to the Chickasaw Nation in accordance with the Constitution. The Chickasaw Tribal Legislature with the adoption of this Act hereby establishes the Editorial Policy for the Chickasaw Times.

SECTION 2-904

EDITORIAL POLICY.

A. Purpose.

1. The purpose of the editorial policy is to establish uniform guidelines and procedures governing administration and publication of the Chickasaw Times (hereinafter referred to as the "Times").

2. Established editorial policies allow the editor, employees, readers and all interested parties to fully understand the philosophy and function of the Times.

3. Tribal funds are used to publish the Times and these funds must be utilized efficiently without waste or misuse.

B. General Philosophy.

The Times shall be fair, impartial and inform the Chickasaw public of tribal goals, operations, procedures, services and emphasizing the accomplishments and opinions of all Chickasaw citizens. No person or collection of persons shall be allowed to dominate the Times in any form or fashion.

C. Legal Basis.

1. Article IV, Section 4 of the Constitution of the Chickasaw Nation states:

a. "Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege, and no law shall ever be passed curtailing the liberty of speech, or of the press."

2. Article VII, Section 4 of the Constitution states:

a. "The Tribal Legislature shall enact rules and regulations pertaining to the Chickasaw Nation."

b. The "Times" staff shall uphold the provisions of the Constitution.

D. General Provisions.

1. The Times shall be a monthly publication, with an additional special election issue.

2. The Times shall be mailed free of charge to all registered Chickasaw voters, public schools and public libraries within the Nation, colleges and universities within Oklahoma, weekly and daily newspapers within the Chickasaw Nation plus the Daily Oklahoman, Tulsa Tribune and Tulsa World, and the other four (4) Civilized Tribes.

3. Articles and other items submitted to the Times should, if notifying the readers of an upcoming event, provide enough lead time for the event to be covered in an upcoming issue.

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4. The established deadline of the first day of the month allows the paper to be prepared with adequate time for the printer to complete his tasks and copies can be mailed by the fifteenth of each month.

5. Articles, letters to the editor and other items submitted to the Times from Chickasaw citizens should be accepted and printed, providing the article is based on fact, is presented in good taste and adheres to the following basic criteria:

a. material should convey the quality of being actual, such as an actual occurrence proven by witnesses;

b. opinions should be based on sincerity in action, character, judgment or ideas that are true or accepted as true;

c. articles which are controversial in nature may require written evidence to prove the material is based on fact;

d. use of unfriendly or bitter words, used expressly with the intention to inflict damage, should be avoided; and

e. articles may be submitted to inform the readers about an event, idea, product or person with consideration of the laws on slander and libel.

6. Any article which cannot be published will be returned to the presenter, with an explanation detailing the reasons why said article could not be published.

7. A minimum of two (2) pages for each of the Executive, Legislative and Judicial Departments (a total of six (6) pages) in each issue should be reserved to be used at the discretion of each department.

8. Political announcements and campaign statements shall be restricted to the special election edition. The lone exception would be the initial announcement of a candidate who wishes to make an early announcement as information to the voter. Announcements should be limited to ten (10) column inches.

9. The Times on a regular basis shall include feature articles on original enrollees, outstanding businessmen and women, professionals, honor students, outstanding athletes, high school and college graduates, profiles on Chickasaw employees and historical data as well as contemporary information on Chickasaws from

all geographic areas.

10. The Times on an annual basis shall publish, in its January issue, an evaluation questionnaire to be voluntarily returned by readers. The results of this evaluation shall be used as a reference to determine the future direction of the Times before budget approval by the Legislature.

11. The editor of the Times shall be allowed to work independently but in cooperation with all entities of the Nation.

E. Procedure to Amend Editorial Policy.

The Editorial Policy as written will remain in effect until such time that the Chickasaw Tribal Legislature adopts or amends the new or current policy. Such changes can be accomplished by a citizen or official of the Chickasaw Nation presenting written proposals to the Tribal Legislature for their purview and action.

(TL4-003, 11/21/86)

CHAPTER 10
TRIBAL BOARDS, COMMISSIONS AND AGENCIES
(Chapters 10 and 11 separated by PR20-006, 3/21/03)

ARTICLE A
GENERAL PROVISIONS

Section 2-1001 Applicability of this Article.
Section 2-1002 Written Oath of Office.
Section 2-1003 Compensation.

SECTION 2-1001 **APPLICABILITY OF THIS ARTICLE.**

The provisions of this Article shall apply to all members of all boards, agencies and commissions created by act of the Chickasaw Tribal Legislature or by act of the Governor; provided, that such positions shall be subject to the provisions of this Article only if such positions are appointed by the Governor with the advice and consent of the Legislature in accordance with the provisions of Article XI, Section 2 of the Constitution.

SECTION 2-1002 **WRITTEN OATH OF OFFICE.**

All members of all boards, agencies and commissions to which this Article shall apply, shall, upon the date of assuming their position as a member of that board, agency or commission, herein defined as the date of the first official meeting of that board, agency or commission after such member has been appointed by the Governor subject to the advice and consent of the Chickasaw Tribal Legislature and which they attend, shall file in the Office of the Governor or a written and signed Oath of Office, the wording of which shall be:

“I (name), do solemnly swear (or affirm) that I will support, obey and defend the Constitutions of the Chickasaw Nation and the United States of America, and will discharge the duties of my office with fidelity, so help me God.”

Such Oath of Office shall contain a place for that member to sign his or her name. Each such Oath of Office shall be dated with the date on which it is signed, and attested to by no fewer than two (2) witnesses. Copies of each such Oath of Office shall be retained in special files created for such purposes and maintained in the Office of the Governor. An Oath of Office shall be administered for each member of each board, agency or commission and for each term of appointment. If a person serves on more than one board, agency or commission, an Oath of Office must be completed for each

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such office held. Existing written and signed Oaths of Office forms already on file at the time of the adoption of this Act shall be considered fully executed for purposes of this Section.

SECTION 2-1003 COMPENSATION.

A. Each member of an official board, commission or agency of the Chickasaw Nation to which the provisions of this Article shall apply as contained and defined in Section 2-1000 [*sic*] [2-1001], shall be eligible for compensation in the form of per diem and travel expenses as are normally allowed for regular, full-time employees of the Chickasaw Nation.

B. However, any time that such board, commission or agency shall meet to conduct its regular or special meetings, all members shall be entitled to travel expenses and per diem at the rate normally allowed for travel or per diem in the area in which the meeting is conducted, regardless of the amount of time required for such meeting.

C. Members of boards, commissions and agencies which are, as a course of their normal duties and/or functions, involved in meetings or tasks which last longer than four (4) consecutive hours, allowing for normal breaks for meals or other purposes, are entitled to compensation for their time at the rate of ten dollars (\$10) per hour, in addition to any compensation which might be received in the form of per diem and travel expenses. The administrative staff assigned to each such board, agency or commission shall be responsible for completion of paperwork for such compensation in accordance with the normal procedures used for regular, full-time tribal employees. Should no such staff be assigned to such board, agency or commission, the Office of the Governor shall provide such services for those affected members.

D. All persons subject to the provisions of Section 2-1000 [*sic*] [2-1001] as of August 1, 1996, shall be compensated in accordance with Section 2-1003 which shall be retroactive to August 1, 1996.

(PR13-18, 9/20/96)

ARTICLE B
CHICKASAW COMMERCE AND CORPORATION COMMISSION
(RESERVED)

**ARTICLE C
(RESERVED)**

(PR20-003, 12/20/02)

**ARTICLE D
CHICKASAW ELECTION COMMISSION**

Section 2-1031.1	Election Commission Established; Members.
Section 2-1031.2	Qualifications of Members.
Section 2-1031.3	Term of Office.
Section 2-1031.4	Duties of Commission.
Section 2-1031.5	Appointment of Election Secretary/Tribal Registrar.
Section 2-1031.6	Supervision of Ballot Counting by Commission.
Section 2-1031.7	Methods for Sealing Ballots; Certificates; Return and Preservation.
Section 2-1031.8	Bid Solicitation.

SECTION 2-1031.1 ELECTION COMMISSION ESTABLISHED; MEMBERS.

The Election Commission shall be composed of five (5) tribal members appointed by the Governor with the advice and consent of the Legislature. All must be Residents of the Chickasaw Nation. There shall be one member from each of the four voting districts of the Nation and one member may be selected at large from any of the four districts. The Election Commission shall be authorized to act in a prescribed manner and to perform prescribed acts as set forth in this Article D and in Title 8 of the Chickasaw Nation Code. The Commission shall be within the Executive Department; however, the Commission shall make its decisions in the performance of its statutory duties and authority without input, advice or interference from any of the three departments of tribal government, any officer or employee thereof, or any other person not sitting on the Commission.__(PR20-006, 3/21/03)

SECTION 2-1031.2 QUALIFICATIONS OF MEMBERS.

Employees of the Chickasaw Nation shall not be eligible for appointment as a member of the Election Commission. No Current elected official of the Chickasaw Nation, nor any person who is related within the third degree (this is defined as Mother, Father, Brother, Sister, Aunt, Uncle, Nephew, Niece, Grandparents, or Grandchildren) by either consanguinity or Affinity to an elected official of the Chickasaw Nation, shall serve on the Election Commission. No Candidate or regular employee of a Candidate for office or person who is related within the third degree by either consanguinity or Affinity to a Candidate for office shall serve on the Election Commission.
(PR23-004, 3/17/06)

SECTION 2-1031.3 TERM OF OFFICE.

Members of the commission shall hold three (3) year terms. In the event of an

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expansion of the number of Election Commission seats, the existing Election Commission members will stagger

the terms of the newly created seats using the most fair and equitable method in keeping with the language and intent of this Section. A term year will be deemed to run from January 1 - December 31. Commissioners shall be reappointed, or a replacement shall be appointed, at least sixty (60) days prior to the expiration of the term. Replacements for death or resignation must be done on an as needed basis and in a timely manner.

SECTION 2-1031.4 DUTIES OF COMMISSION.

A. The Election Commission and Election Secretary shall conduct all elections of the Nation. In keeping with such duties, the Election Commission shall have the following rights and responsibilities:

1. Upon a Candidate filing, the Commission shall make a determination of the eligibility of said Candidate pursuant to the Constitution and the Code. The eligibility determination shall be made within five (5) days of the close of the Candidate filing period. The basis for this decision shall include:

- a. a verifiable determination that the Candidate lives within the boundaries of the Chickasaw Nation;
- b. a criminal background check in the county, state and any other available resources;
- c. a completed application for candidacy; and
- d. any such other requirements under the Code or Constitution.

2. If needed, hire independent legal counsel for consultation. Counsel shall be someone who is not used by the Nation in any other capacity. The Commission may also use any available technology and/or any necessary consulting services in order to perform their duties in the most efficient and just method possible.

3. Set general policy to be carried out by the Election Secretary/Tribal Registrar.-

4. Assist the Legislature in developing rules and regulations necessary to conduct Chickasaw Nation elections as requested.

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5. Conduct all election recounts pursuant to this Article D and Title 8 of the Chickasaw Nation Code.

6. Engage in any other activities for the performance of its responsibilities as required by the provisions of this Code.

7. Attend orientation and training for existing and new members.

8. Maintain good working knowledge of Current election rules and regulations.

9. Take any and all steps to insure that all Candidates are treated fairly with regard to the election processes and access to accurate Voters Lists.

10. Hold hearings and issue written rulings on challenges to candidacy and voting privileges.

B. Any violation of this Section by any member of the Commission may be grounds for removal from office.

SECTION 2-1031.5 **APPOINTMENT OF ELECTION SECRETARY/TRIBAL REGISTRAR.**

An Election Secretary/Tribal Registrar shall be a single full-time position appointed by the Governor and confirmed by the Legislature. Legislative confirmation shall be required of any person serving as Election Secretary/Tribal Registrar on an interim basis. If possible, appointments of Election Secretary/Tribal Registrars shall be made at least sixty (60) days prior to the year's upcoming elections. The Election Secretary/Tribal Registrar shall be a registered Chickasaw Voter and a notary public and shall be responsible for the day-to-day office procedures of the elections and tribal registration as defined in Title 8 of the Chickasaw Nation Code. The salary shall be established by the Legislature.

SECTION 2-1031.6 **SUPERVISION OF BALLOT COUNTING.**

A. The Election Commission and Election Secretary/Tribal Registrar shall conduct and supervise the election ballot counting in the Nation's headquarters as prescribed in this Article D and Title 8 of the Chickasaw Nation Code.

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B. The Election Secretary/Tribal Registrar and one (1) Commissioner or two (2) Commissioners shall have the authority to determine the validity of signatures on the election envelopes.

C. The Election Commission shall ensure that only one ballot is cast by each Voter.

SECTION 2-1031.7 **METHODS FOR SEALING BALLOTS; CERTIFICATES;
RETURN AND PRESERVATION.**

The Election Secretary/Tribal Registrar and Election Commission shall prescribe methods of sealing all ballots, all certificates of vote, and all other materials used in recording the count of the ballots in such a manner that any tampering with or altering of same after the sealing has been accomplished can be detected. The Election Commission shall have such other duties as provided in this Code on return and preservation of ballots.

SECTION 2-1031.8 **BID SOLICITATION.**

A. The Election Secretary/Tribal Registrar shall solicit and receive contract negotiation bids to include the cost of ballot counting, printing and mailing of ballots, envelopes, instructions and other material or services needed to conduct a tribal election. These bids shall come from reputable independent sources. No bids shall be accepted from a source that in any form could be construed to reflect on the integrity of the election.

B. The Election Secretary/Tribal Registrar shall, in the beginning of each calendar year, solicit bids to either contract with a professional firm that specializes in managing election processes for governmental entities. The firm will be one that is not associated or has not been associated with the Chickasaw Nation at the time of the passing of this law. Selections will also be made on the basis of the best and lowest bid from capable election firms.

C. The Chickasaw Election Secretary/Tribal Registrar shall submit his recommendation to the Chickasaw Tribal Legislature of the firm chosen to assist in the conduction of tribal elections.

(PR21-014, 2/27/04)

**ARTICLE E
CHICKASAW HOUSING AUTHORITY**

- Section 2-1041.1 Authorization; Designation.
Section 2-1041.2 Certification of Compliance.
Section 2-1041.3 Responsible Federal Official.

SECTION 2-1041.1 AUTHORIZATION/DESIGNATION.

The Chickasaw Tribal Legislature by exercise of its powers of self-government, hereby designates the Chickasaw Nation as the recipient of funds from the United States Department of Housing and Urban Development and administering, managing and directing all operations pertaining to the housing needs of Chickasaw citizens and others within the jurisdiction of the Chickasaw Nation. (PR15-012, 2/20/98; PR17-019, 5/19/00; PR20-006, 3/21/02)

SECTION 2-1041.2 CERTIFICATION OF COMPLIANCE.

As NAHASDA requires a tribal certification regarding each tribe's Indian Housing Plan, the Chickasaw Nation hereby certifies that:

1. it will comply with Title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable federal statutes;
2. it will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by the Secretary of the U.S. Department of Housing and Urban Development;
3. policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission and occupancy of families for housing assisted with grant amounts provided under NAHASDA;
4. policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or home buyer payments are determined for housing assisted with grant amounts provided under NAHASDA; and
5. policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA. (PR15-022, 8/22/98; PR20-006, 3/21/02)

SECTION 2-1041.3

RESPONSIBLE FEDERAL OFFICIAL.

The Governor of the Chickasaw Nation, as Chief Executive Officer of the Chickasaw Nation, is hereby authorized to consent to the following:

1. assuming the status of a responsible federal official under the National Environmental Policy Act of 1969 and the other provisions of law listed in Title 24 of the Code of Federal Regulations, Part 58.5, insofar as the provisions of NAHASDA and such other provisions of law apply to the Chickasaw Nation's proposed program pursuant to 24 CFR Part 58; and

2. accepting the jurisdiction of the federal courts, on behalf of himself and the Chickasaw Nation, for the purpose of enforcement of his responsibilities as such an official.

(PR15-022, 8/22/98; PR20-006, 3/21/02)

Note: The Articles of Incorporation governing the Chickasaw Housing Authority are filed with the Secretary of State of the State of Oklahoma. The Authority is run as a corporation within the framework of its articles of incorporation.

**ARTICLE F
CHICKASAW NATION INDUSTRIAL DEVELOPMENT COMMISSION**

Annotation: SC Case No. 95-02, 7/22/95: Declared Unconstitutional in its entirety.

**ARTICLE G
CHICKASAW NATION INDUSTRIES, INC.**

Section 2-1061.1 Approval.
Section 2-1062.1 Authorizations.

SECTION 2-1061.1 APPROVAL.

The Chickasaw Tribal Legislature hereby approves the adoption of a Charter of Incorporation for a tax exempt, for-profit corporation for the Chickasaw Nation, as approved by the Bureau of Indian Affairs, and presents it to the Governor of the Chickasaw Nation for submission to a vote of the electorate in accordance with the requirement of Section 3 of Chapter 831 of the Act of June 26, 1936 (49 Stat. 1967), also known as the Oklahoma Indian Welfare Act, which section is codified at 25 USC §503. (PR13-16, 9/6/96; PR20-006, 3/21/03)

Note: Establishment of a corporation ratified by referendum vote of Chickasaw citizens in 1996.

SECTION 2-1062.1 AUTHORIZATIONS.

Pursuant to Section 3 of Chapter 831 of the Act of June 26, 1936 (49 Stat. 1967), also known as the Oklahoma Indian Welfare Act, which section is codified at 25 USC Section 503, the Chickasaw Nation desires to create a corporation with the following authorizations:

1. The Charter shall establish the Chickasaw Nations Industries, Inc., a Federally Chartered Business Corporation (hereinafter, "Corporation").
2. The Corporation shall be a distinct legal entity pursuant to 25 USC Section 503, wholly owned by the Chickasaw Nation.
3. The Corporation shall have the same immunity from taxation under federal law as the Chickasaw Nation.
4. The Corporation shall be empowered to engage in any type of lawful business, enterprise or venture, or any lawful act or activity for which corporations may be organized under the Oklahoma Indian Welfare Act.
5. The Corporation shall be empowered to have and exercise all powers incidental, necessary or convenient to the conduct of corporate business, not inconsistent with law.

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6. The Corporation shall be empowered to sue in its corporate name and, notwithstanding the immunity possessed by the corporation as a wholly owned corporation of the Chickasaw Nation, to permit by written resolution of the Board of Directors enforcement of leases, contracts, agreements and mortgage instruments to which the Corporation is a party, against the corporation in tribal court, or any court of competent jurisdiction by agreement of the Board of Directors; provided, however, that any limited waiver of sovereign immunity granted by the charter does not authorize the levy of any judgment, lien, garnishment or attachment upon any property or income of the Corporation, the Chickasaw Nation, or any agency thereto, other than property or income of the Corporation specifically and in writing duly mortgaged, pledged or assigned as collateral for the debts or liabilities of the corporation related to the lease, contract, agreement or mortgage instrument to be enforced. The limited waiver of sovereign immunity granted in the charter may not be intended to nor shall it be construed to waive the immunity of the Corporation, the Chickasaw Nation or any agency thereof, for any other purpose with respect to any claim or other matter not specifically mentioned therein, and shall not be intended to, nor shall it extend to the benefit of, any person other than the parties to such leases, contracts, agreements or mortgage instruments or their successors or assigns.

7. The corporate powers and authorities of the Corporation shall be vested in a board of directors which shall consist of between five (5) and nine (9) directors who shall be citizens of the Chickasaw Nation.

8. The Corporation shall be empowered to make distributions, including dividends, to the Chickasaw Nation.

(PR13-016, 9/6/96)

**ARTICLE H
CHICKASAW TAX COMMISSION**

Section 2-1071.1	Title; Findings; Definition.
Section 2-1071.2	Tax Commission Established.
Section 2-1071.3	Terms.
Section 2-1071.4	No Political Influence; Removal.
Section 2-1071.5	Duties and Powers.
Section 2-1071.6	Existing Legislation.

SECTION 2-1071.1 TITLE/FINDINGS/DEFINITIONS.

A. **Title.**

1. Be it enacted by the Tribal Legislature of the Chickasaw Nation assembled, that this Act may be cited as the “Taxing Authority Act of 1988.”

B. **Findings.**

The Legislature finds that:

1. Since the adoption of Enactment No. 6, which created the Chickasaw Tax Commission on June 21, 1985, no specific duties or authorities have been granted the Commission by the Legislature;

2. Such authorities are now necessary for the full operation and potential of the government of the Chickasaw Nation.

C. **Definitions.**

For the purpose of this Act:

1. “Tax Commission” or “Commission” means the Chickasaw Tax Commission, as defined herein;

2. “Tax” means a compulsory payment levied on income, property value, sales price or on other items of value or goods, or products, or services, for the support of the government of the Chickasaw Nation;

3. “Tribal Legislature” or “Legislature” means the law-making body of the

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Chickasaw Nation Tribal Government, which is the recognized governing body of the tribe, possessing plenary power over the people, land and property within the exterior boundaries of the Chickasaw Nation;

4. "Chickasaw Nation" means the tribe of Indians located within the boundaries set forth in the Constitution of the Chickasaw Nation, adopted August 27, 1983, being duly recognized by the Secretary of the Interior of the United States of America and other agencies of the United States of America and other governments, as a self-governing, sovereign government; sometimes hereinafter referred to as "Tribe."
(TL5-004, 7/19/88; PR20-006, 3/21/03)

SECTION 2-1071.2 TAX COMMISSION ESTABLISHED.

There is hereby established the Chickasaw Tax Commission, hereinafter referred to as "Tax Commission" which shall be comprised of three (3) commissioners, each of whom shall be appointed by the Governor of the Chickasaw Nation with the advice and consent of the Legislature, with the following stipulations:

1. A minimum of two (2) of the three (3) commissioners shall be of Chickasaw descent;
2. All commissioners shall be residents of the Nation.

SECTION 2-1071.3 TERMS.

Terms of office for each commissioner shall be four (4) years. For the first commissioners who shall serve under the terms of this Act, a drawing of lots shall be conducted at the first official meeting of the Commission to determine, among themselves, which commissioners shall serve a four (4) year term, a three (3) year term and a two (2) year term. Thereafter, the Governor shall appoint each commissioner to a four (4) year term, subject to the conditions contained herein.

SECTION 2-1071.4 NO POLITICAL INFLUENCE, REMOVAL.

Members shall serve their terms of office free from political influence from any branch of the government and may be removed only for cause and in a manner provided by law.

SECTION 2-1071.5 DUTIES AND POWERS.

- A. The basis for authority of this Act is Article VII, Section 4 of the Constitution of

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the Chickasaw Nation, wherein the Tribal Legislature is granted the power and authority to enact rules and regulations pertaining to the Chickasaw Nation in accordance with the Constitution. The Chickasaw Tribal Legislature, with the adoption of this Act, hereby:

1. grants specific and general powers and authorities to the Chickasaw Tax Commission to collect those tribal-levied Taxes, fees and licenses assigned in this or previous or future legislation;
2. grants powers of apportionment and allocation of revenues which have been earmarked to various tribal agencies and/or programs as determined by the Governor and the Legislature;
3. grants powers of enforcement and the administration of tribal Tax laws, rules and regulations;
4. grants the authority to subpoena witnesses and records, to administer oaths and to render decisions appealable directly and only to the Tribal Court of the Chickasaw Nation;
5. grants the authority to devise the organizational make-up of the staff of the tax agency, including divisions thereof.

B. The Chickasaw Tax Commission shall be empowered with all necessary powers of control over all such entities as would normally fall under the purview of such Commission, or of those entities over which specific control is granted by the Legislature.

C. At its first meeting, the Commission shall, in addition to other requirements contained herein:

1. review potential areas of taxation which would prove beneficial to the Chickasaw Nation;
2. compile a list of such areas for submission to the Legislature within ninety (90) days of the meeting date; and
3. devise an operational structure for itself and for any staffing requirements it may find necessary to the fulfillment of the duties and obligations contained herein, and present a draft of this plan to the Legislature within one hundred twenty (120) days of the meeting date.

D. The Chickasaw Tax Commission shall exercise only that authority granted herein, but may make additional recommendations to the Legislature at any time it deems proper.

SECTION 2-1071.6

EXISTING LEGISLATION.

Any existing legislation which conflicts with this Act is hereby repealed.

**ARTICLE I
CHICKASAW UTILITY AUTHORITY**

Section 2-1081.1	Plan of Operation.
Section 2-1081.2	General Powers.
Section 2-1081.3	Chairman.
Section 2-1081.4	Vice Chairman.
Section 2-1081.5	Secretary.
Section 2-1081.6	Other Board Members.
Section 2-1081.7	Contracts.
Section 2-1081.8	Compensation.
Section 2-1081.9	Reports.
Section 2-1081.10	Disposition of Property.
Section 2-1081.11	Contracts.
Section 2-1081.12	Checks, Drafts, Etc.
Section 2-1081.13	Meetings.
Section 2-1081.14	(Reserved).
Section 2-1081.15	Rules, Regulations and By-Laws.
Section 2-1081.16	(Reserved).

SECTION 2-1081.1 **PLAN OF OPERATION.**

A. The name of the Authority created in this article shall be the Chickasaw Tribal Utility Authority, hereinafter referred to as the "Authority."

B. The principal place of business and office of the Authority shall be in Ada, Oklahoma.

C. The Authority shall not be limited in the conduct of its business to the geographical boundaries of the Chickasaw Nation. The Authority may establish offices and operational sites within the boundaries consistent with prudent and economical management of the business.

D. The seal of the Authority shall be as prescribed by its trustees.

E. The duration of the Authority is perpetual.

F. The purpose for which the Authority is organized is as follows:

1. to acquire, operate, maintain and promote utility systems, furnishing

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electric, gas, water and telephone services, sanitation services and any other services of like or similar nature to consumers regardless of where they may live or do business;

2. to provide a fair return to the Chickasaw Nation on its investment consistent with the furnishing of utility services at competitive cost; and

3. to do everything necessary, proper, advisable or convenient for accomplishment of the purposes herein above set forth, and to do all things incidental thereto or connected therewith, which are not forbidden by federal law, the plan of operation for the Authority, the Authority bylaws, or the Constitution and laws of the Chickasaw Nation.

G. The following utility services shall be within the Authority's operational jurisdiction and may be expanded by board vote:

- (a) electricity;
- (b) gas;
- © water;
- (d) telephone; and
- (e) sanitation services.

Each approved utility management contract will be permanently filed for inspection at the Authority's main office.

(GR4-03, 10/17/86; PR14-009, 4/16/97; PR20-006, 3/21/03; PR21-025, 9/17/04)

SECTION 2-1081.2 **GENERAL POWERS.**

A. The business and affairs of the Authority shall be managed by a Board of Trustees which shall exercise all the powers of the Authority except such as are by law, or this Code conferred upon and reserved to the Chickasaw Nation.

B. The business and affairs of the Authority shall be managed by a board of five (5) trustees, consisting of a chairman, vice chairman, secretary, and two other members, which board shall exercise all the powers of the Authority except such as are by law, or this Code conferred upon or reserved to the Legislature or to the Executive Department.

(GR5-36, 5/20/88; PR14-009, 4/16/97; PR20-006, 3/21/03; PR21-025, 9/17/04)

SECTION 2-1081.3 **CHAIRMAN.**

The board of trustees shall elect one from among themselves to serve a three-year term as Chairman of the Authority and the Chairman shall:

1. be the principal executive officer of the Authority and, unless otherwise determined by the other members of the board of trustees, preside at all meetings of the board of trustees;

2. sign, with the Secretary, deeds, mortgages, deeds of trust, notes, bonds, contracts or other instruments authorized by the board of trustees to be executed, except in cases which the signing and execution thereof shall be expressly delegated by the board of trustees or by these bylaws to some other officer or agent of the Authority or shall be required by law to be otherwise signed or executed; and

3. in general, perform all the duties incident to the office of chairman and such other duties as may be prescribed by the board of trustees from time to time.

(GR5-36, 5/20/88; PR20-006, 3/21/03; PR21-025, 9/17/04; PR22-008, 1/15/05)

SECTION 2-1081.4 **VICE CHAIRMAN.**

The Vice Chairman shall be appointed by the Governor of the Nation and shall be a member of the Legislature. Such appointment shall be confirmed by a majority of the Legislature. The Vice Chairman, in absence of the Chairman or in the event of his inability or refusal to act, shall perform the duties of the Chairman and, when so acting, shall have all the power of and be subject to the restrictions upon the Chairman. The Vice Chairman shall also perform such other duties as from time to time may be assigned to him by the board of trustees. (GR5-36, 5/20/88; PR20-006, 3/21/03)

SECTION 2-1081.5 **SECRETARY.**

The Secretary shall be appointed by the Governor from the Nation at large, and shall be confirmed by a majority of the Legislature. The Secretary shall be responsible for:

1. keeping the minutes of the meetings of the board of trustees in books

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provided for that purpose;

2. seeing that all notices are duly given in accordance with these bylaws or as required by law;

3. the safekeeping of the corporate books and records and seal of the Authority and affixing the seal of the Authority to all documents, execution of which on behalf of the Authority under its seal is duly authorized in accordance with the provisions of these bylaws;

4. Keeping on file at all times a complete copy of the and by laws of the Authority containing all amendments thereto, which copy shall always be open to the inspection of any citizen of the Nation, and shall, at the expense of the Authority, furnish a copy of the bylaws and of all amendments thereto upon request; and

5. performing all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the board of trustees.

(GR5-36, 5/20/88; PR20-006, 3/21/03; PR21-025, 9/17/04)

SECTION 2-1081.6 OTHER BOARD MEMBERS.

All members of the board of trustees shall be appointed by the Governor from the Chickasaw Nation at large, and shall be confirmed by a majority of the Legislature. (PR14-009, 4/16/97; PR20-006, 3/21/03; PR21-025, 9/17/04; PR22-008, 1/15/05)

SECTION 2 - 1081.7 CONTRACTS.

All contracts shall be approved first by the board and, upon proper board action, submitted to the Governor for his approval. Any provisions of such contracts shall take precedence over the Authority's bylaws or any acts of the board of trustees. Any such contracts not approved by the Governor shall not be final and binding upon the Authority. (GR5-36, 5/20/88; PR20-006, 3/21/03; PR21-025, 9/17/04)

SECTION 2 - 1081.8 COMPENSATION.

The compensation of all trustees shall be fixed by the board and approved by the governor.

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(GR5-36, 5/20/88; PR20-006, 3/21/03; PR21-025, 9/17/04)

SECTION 2-1081.9 REPORTS.

The board of trustees shall submit annually a report covering the business of the Authority for the previous fiscal year. Such reports shall set forth the condition of the Authority at the close of such fiscal year. (GR5-36, 5/20/88; PR20-006, 3/21/03)

SECTION 2-1081.10 DISPOSITION OF PROPERTY.

The Authority may not sell, mortgage, lease or otherwise dispose of or encumber all or any substantial portion of its property unless such sale, mortgage, lease or other disposition or encumbrance is authorized by a majority of the Legislature; provided, however, that notwithstanding anything herein contained, the board of trustees of the Authority, without authorization of the Legislature, shall have the full power and authority to authorize the execution and delivery of mortgages or a deed or deeds of trust upon, or pledging or encumbering of any or all of the property, assets, rights, privileges, licenses, franchises and permits of the Authority, whether acquired or to be acquired, and wherever situated, as well as the revenues and income therefrom, all upon such terms and conditions as the board of trustees shall determine, to secure any indebtedness of the Authority, as long as such indebtedness does not accrue any liability to the Nation. (GR5-36, 5/20/88; PR20-006, 3/21/03)

SECTION 2-1081.11 CONTRACTS.

Except as otherwise provided in this article, the board of trustees may authorize any officer or officers, agent or agents to enter into any contract or execute and deliver any instrument in the name and on behalf of the Authority, and such Authority may be general or confined to specific instances. (GR5-36, 5/20/88; PR20-006, 3/21/03)

SECTION 2-1081.12 CHECKS, DRAFTS, ETC.

Except as provided by law or in this Code, all checks, drafts or other orders for the payment of money, and all notes, bonds or other evidence of indebtedness issued in the name of the Authority shall be signed by such officer or agent of the Authority and in such manner as shall from time to time be determined by resolution of the board of trustees. (GR5-36, 5/20/88; PR14-009, 4/16/97; PR20-006, 3/21/03)

SECTION 2-1081.13 MEETINGS.

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Meetings of the board of trustees may be called by board resolution, by the chairman, or by any three (3) trustees and it shall thereupon be the duty of the secretary to cause a notice of such meeting to be given to each trustee. The board, the chairman, or the trustees calling the meeting, shall fix the date, time and place for the meeting, which shall be held within the Chickasaw Nation, unless all trustees consent to it being held in some other place, and all such information shall be included in the notice of the meeting. Regular monthly meetings may also be established by the board on pre-set dates. No official business shall be conducted if a quorum of three (3) members or more is not established at any such board meeting. (GR5-36, 5/20/88; PR14-009, 4/16/97; PR20-006, 3/21/03; PR21-025, 9/17/04)

SECTION 2-1081.14 (RESERVED).

(PR21-025, 9/17/04)

SECTION 2 - 1081.15 RULES, REGULATIONS AND BYLAWS.

The board of trustees shall have the power to make and adopt such rules and regulations not inconsistent with law, or this Code, as it may deem advisable for the management and regulation of the business and affairs of the Authority by a majority vote of the board of trustees. The board of trustees may devise and adopt its own bylaws to control and regulate the affairs of the board. (GR5-36, 5/20/88; PR14-009, 4/16/97; PR20-006, 3/21/03; PR21-025, 9/17/04)

SECTION 2 - 1081.16 (RESERVED).

(PR21-025, 9/17/04)

**ARTICLE J
CHICKASAW HISTORICAL SOCIETY**

Section 2-1091.1	Citation.
Section 2-1091.2	Purpose.
Section 2-1091.3	Authority.
Section 2-1091.4	Definitions.
Section 2-1091.5	Mission.
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SECTION 2-1091.1 CITATION.

Be it enacted by the Chickasaw Tribal Legislature assembled, that this Act shall be cited as the "Chickasaw Historical Society Act of 1994" ("Act"). (TL11-009, 4/15/94; PR20-006, 3/21/03)

SECTION 2-1091.2 PURPOSE.

The Chickasaw Tribal Legislature finds that:

1. it has become necessary for the government of the Chickasaw Nation to assist in the perpetuation of Chickasaw culture and in the dissemination of Chickasaw history and relevant pursuits; and
2. there has been expressed to the Governor of the Chickasaw Nation and to the Chickasaw Nation Cultural Resources Department within the Executive Department sufficient desire and interest by Chickasaw citizens and other interested parties to warrant formalization of a process to promote and preserve Chickasaw history and culture.

SECTION 2-1091.3 AUTHORITY.

The basis for authority of this Act is Article VI, Section 2, and Article VII, Section 4 of the Constitution of the Chickasaw Nation. The Chickasaw Tribal Legislature, with the adoption of this Act, hereby:

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1. creates the Chickasaw Historical Society;
2. authorizes the adoption and approval of by-laws of the Chickasaw Historical Society; and
3. appropriates funding for the operations of the Chickasaw Historical Society.

SECTION 2-1091.4 DEFINITIONS.

For the purpose of this Act:

1. "The Chickasaw Nation" shall mean the government instituted in the Constitution of the Chickasaw Nation, or all Chickasaw Indians by blood whose names appear on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906, and their lineal descendants, or it shall mean the actual physical nation itself, depending upon reference;
2. "Chickasaw Tribal Legislature," or "Legislature," shall mean that body of not more than 13 members, as created by Articles V, VI, VII, VIII and IX of the Constitution of the Chickasaw Nation;
3. "Governor" shall mean the Chief Executive Officer of the Chickasaw Nation, as created by Articles X and XI of the Constitution, or whenever proper to so interpret, it may also mean the Lieutenant Governor, when acting in behalf of the Governor in accordance with Article X, Section 2 and in Article XI, Section 5 of the Constitution;
4. "Society" shall mean the Chickasaw Historical Society, as created in this Act;
5. "Board of Directors" or "Board" shall mean the governing body of the Chickasaw Historical Society, as created in this Act;
6. "Constitution" means that document which formally established the Chickasaw Nation and its government, as ratified by the eligible registered voters of the Chickasaw Nation on August 27, 1983, and which was approved by the Secretary of the U.S. Department of the Interior on July 15, 1983;

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7. "*Ex officio*" means by virtue of the office, without any other warrant or appointment than that resulting from the holding of a particular office.

SECTION 2-1091.5 MISSION.

There is hereby created the Chickasaw Historical Society. The Society shall have as its mission the honorable promotion of Chickasaw culture, history and genealogy, as well as making recommendations in relation to repatriation and acquisition of Chickasaw patrimonial objects and the protection of sacred tribal and related archeological sites, in accordance with the policies and interests of the Chickasaw Nation.

SECTION 2-1091.6 BOARD OF DIRECTORS.

A. The Society shall be directed by a Board of Directors, each of whom shall be appointed by the Governor and confirmed by the Legislature. The Board shall be comprised of, but not limited to, seven regular members, a simple majority of whom shall be citizens of the Chickasaw Nation.

B. Members of the Board should include, but are not limited to, an ethno-historian and/or genealogist; a licensed attorney who shall serve as legal adviser to the Board; an educator; an archaeologist; a Chickasaw language speaker; and a financial specialist.

C. The Governor, Chairperson of the Legislature, and the Chief Justice of the Chickasaw Nation shall serve as voting *ex officio* members of the Board. Other members may be appointed by the Governor when the positions held by those members are determined to be of benefit to the Board or to the Society; provided, the Governor shall specify at the time of appointment whether such members shall have voting privileges on matters coming before the Board. Individuals whose positions render authentication or validity to the mission and services of the Society may be designated as advisers to the Board by the Governor.

D. The terms of office for each Board member shall be three (3) years and staggered, with the Governor designating the length of terms of office for the first appointees as he appoints them, in the following manner: Two (2) members for three (3) year terms; two (2) members for two (2) year terms; and three (3) members for one (1) year terms. The terms for additional members to the Board shall be likewise designated at the time of appointment.

E. All members of the Board shall serve and may be removed for cause as provided

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under appropriate provisions of tribal law.

F. No single member, or any group of members of the Board, is authorized to represent any discussion or decision of the Board, or to act as a personal representative of the Board unless specifically authorized by a vote of the majority of the Board to do so.

G. No member of the Board shall have a direct or indirect financial or executive interest in any contract or transaction with the Society.

SECTION 2-1091.7 DUTIES OF THE BOARD.

The Board shall:

1. Set policy and approve all policies, functions, programs and services relative to the mission and goals of the Society, provided that all policies, functions, programs, and services relative to the Society are not in conflict with tribal law or executive policies or executive orders;

2. ensure that the purpose, mission and goals of the Society are accomplished;

3. study, establish, review and evaluate periodically all policies set by the Board and twice annually submit its findings to the Tribal Historical and Cultural Committee of the Legislature for recommendation and review;

4. elect from among itself officers of the Board, who shall be a Chairman, a Vice Chairman, a Secretary and a Treasurer, with all the proper attendant responsibilities and duties attached to each such office in accordance with the by-laws to be adopted by the Board for its operations and for those operations of the Society and individual chapters of the Society;

5. personally support and serve as a constant advocate of the purpose, mission, goals and services of the Society; and

6. establish the parameters for and management of chapters of the Society.

SECTION 2-1091.8 MEETINGS AND ATTENDANCE.

A. The Board shall meet at least monthly, but may meet as often as it deems

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necessary to carry out its functions.

B. The Board shall hold an annual meeting in the month of October each year, on a date set by the Board for such meeting, for the purposes of electing officers, naming members of standing committees and presenting the financial report to the Society's members. The annual meeting shall be open to all interested parties, with members of the Society encouraged to attend.

Each chapter formed thereunder may also send representatives to attend the annual meeting. The annual meeting shall be held at the Chickasaw Capitol Building in Tishomingo, unless otherwise provided by the Board.

C. Special meetings of the Board may be called by the Chairman or at the request of any four voting members of the Board. Notice of such special meeting shall contain a statement as to the purpose of the meeting, and shall be given on at least twenty four (24) hours notice, by U.S. Mail, electronic mail, or a form of telecommunications which shows in print the date and time of the delivery of such notice.

D. Written notice of each regular meeting of the Board shall be provided by the Board Secretary at least ten days in advance of the scheduled meeting date. Said notice shall include an agenda for the meeting and appropriate supportive materials of agenda items to be studied before the meeting. Such notice shall include the date, time and place for the meeting.

E. A quorum for the conduct of business at any meeting of the Board shall consist of a simple majority of the voting members of the Board. No attendance or voting by proxy shall be allowed.

F. Any actions required to be taken at any meeting of the Board or by any of the Board's committees may be taken without a meeting by direct contact of the appropriate Chairman if all members consent thereto in writing, and the consents are filed with the minutes of such meeting. Meetings of committees of the Board may be held by call of the Chairman of the committee if a quorum is connected by telephone.

G. Members of the Board or of any committee of the Board may participate in any meeting by means of telephone conference or similar communication equipment in which all persons participating may communicate with each other. Participation in a meeting pursuant to the provisions of this paragraph of this Section shall constitute presence in person at such meetings.

H. In all meetings of the Board or of its committees, Robert's Rules of Order shall be followed; provided, that the Board or any committee may vote to conduct its meetings informally; and provided further, that should any conflicts or questions arise regarding proper

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format or procedure of such meeting, resolution shall be made in accordance with the provisions of Robert's Rules of Order.

I. Executive sessions of meetings of the Board may be conducted, upon vote of the Board assembled, after a call for executive session is made by any voting member of the Board, and the Chairman shall so then order.

SECTION 2-1091.9 BY-LAWS; FORM TAKEN.

The Board shall adopt by-laws for the operation of the Society and of the Board itself. Such by-laws shall not be in conflict with this Act or with any other applicable provision of tribal or

federal law or regulation which might be justifiably applied. By-laws adopted by the Board shall include, as a minimum:

1. provisions for order of business of each Board meeting and each committee meeting;
2. establishment of committees for the Board and for the Society;
3. duties and responsibilities of each officer of the Board and of each officer of the committees;
4. goals and objectives for the Society; and
5. provisions for the formation of various chapters of the Society.

SECTION 2-1091.10 PROVISIONS FOR CHAPTERS.

A. Chapters of the Society may be established under the guidelines formulated by the Board.

B. Persons, organizations or businesses interested in the aims of the Society may affiliate with a chapter; or, if they do not wish to affiliate with an established chapter, may be admitted to membership in the Society upon application and payment of a membership fee, to be set by the Board for all such memberships, subject to the approval process determined by the Board and contained in the by-laws of the Society. A listing of such fees shall be provided to the Governor's office and to the Tribal Historical and Cultural Committee of the Legislature.

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C. Chickasaw Historical Society chapters may be chartered wherever there is expressed a sufficient desire and sincere interest, and where authorized by the Board in accordance with the provisions of the by-laws of the Society.

SECTION 2-1091.11 SUPPORT STAFF.

The Society, including the Board and its committees, shall not create its own staff; rather, staffing requests may be provided to the Governor by the Board. The Governor may provide such staffing assistance through the Executive Department's Cultural Resources Department, or its successor, to the extent feasible and practicable as determined by the Governor. Such staff shall retain their rates of pay and shall retain their positions within the Cultural Resources Department.

SECTION 2-1091.12 FUNDING AND BUDGET.

A. There is hereby appropriated from the Tribal General Fund, funds in the amount of ten thousand dollars (\$10,000) to be used for start-up expenses of the Society and to pay travel costs associated with the officers of the Board. Within ninety (90) days of this Act becoming law, the Governor shall submit a budget to the Legislature sufficient to meet the needs of the Society for the remainder of Fiscal Year 1994. All expenses incurred or contemplated to be incurred by the Society and/or by its Board, shall be made in compliance with existing Executive Department policies and procedures regulating such expenses.

B. The Board shall submit to the Governor its requested budget for each succeeding fiscal year, in a timely manner and on an annual basis, so that the Society's budget might be included by the Governor in his annual tribal budget submitted to the Chickasaw Tribal Legislature.

CHAPTER 11

(RESERVED)

(Chapters 10 and 11 separated by PR20-006, 3/21/03)

**CHAPTER 12
INTERGOVERNMENTAL AND INTERTRIBAL AGREEMENTS**

(RESERVED)