

**Dry Creek Rancheria  
Band of Pomo Indians**

Government Code

**TITLE 9. TRIBAL EMPLOYMENT RIGHTS ORDINANCE**

TABLE OF CONTENTS

CHAPTER 1. TITLE  
CHAPTER 2. AUTHORITY, PURPOSE, AND FINDINGS  
    SECTION 1.  
    SECTION 2.  
    SECTION 3.  
CHAPTER 3. DEFINITIONS  
CHAPTER 4. EMPLOYMENT REQUIREMENTS  
CHAPTER 5. ENFORCEMENT  
CHAPTER 6. SEVERABILITY  
CHAPTER 7. AMENDMENTS  
CHAPTER 8. EFFECTIVE DATE

Be it enacted by the Tribal Council of the Dry Creek Rancheria Band of Pomo Indians:

**CHAPTER 1. TITLE**

This Ordinance shall be known as the **“Dry Creek Employment Rights Ordinance.”**

**CHAPTER 2. AUTHORITY, PURPOSE, AND FINDINGS**

This Ordinance is adopted by the Dry Creek Rancheria Band of Pomo Indians Tribal Council, pursuant to its authority under Article IV of the Dry Creek Rancheria Band of Pomo Indians’ Articles of Association, for the purpose of codifying existing practices and policies of the Tribe as a sovereign government to offer employment to Tribal members, their families, and other Indian people through a Tribal preference program.

**SECTION 1.**

Article VII of the Dry Creek Rancheria Band of Pomo Indians authorizes the Tribe’s Board of Directors to promulgate and enforce ordinances and to regulate the procedures of agencies and officials of the Tribe.

**SECTION 2.**

The Tribe finds that it is in the best interest of the Tribe to enact this Tribal Employment Rights Ordinance for the benefit of its members and other Indian people, to document its commitment to provide for the economic welfare of its own members and the surrounding tribal community. Consistent with that commitment, the Tribe desires to create employment, business, and training opportunities for members of the Tribe, their families, and for other Indian people. By providing such an employment preference, the Tribe is helping combat the harmful effects of years of past unemployment of Indian people, thereby helping to reduce poverty and economic dependency and to promote economic self-sufficiency.

**SECTION 3.**

To attain this goal, the Tribal Council shall require as a matter of Tribal law that all Tribal Businesses provide an employment preference first to Dry Creek members, then to certain members of their families, and thereafter to other Indian people.

**CHAPTER 3. DEFINITIONS**

Unless otherwise required by the context, the following words and phrases shall be defined as follows:

- (A) “Tribal Council” shall mean the governing body of the Tribe established under the Tribe’s Articles of Association.
- (B) “Employee” shall mean any person employed by the Tribe, or an agency of the Tribe.
- (C) “Human Resources Manager” shall mean the individual charged with the responsibility of overseeing the management of human resources of the Tribe, any Tribal agency, or any Tribal Business, as applicable.
- (D) “Indian” shall mean any member of a federally-recognized Indian tribe, band, or other organized group or community, including any Alaska Native village or unit defined or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and any other Indian persons who are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (E) “Qualified” shall mean possessing the capability, competence, and capacity to perform the requirements and obligations of a job or project. The term “qualified” does not include a comparison among two or more persons seeking the desired employment position. For example, determining whether an Indian applicant is qualified does not include comparing the Indian’s capabilities and competence with those of other non-Indian applicants. The term “qualified” measures an individual’s

ability to perform a job, and is not a comparison of an individual's abilities to the abilities of other individuals.

(F) "Tribal Business" shall mean any Tribal business enterprise owned and operated by the Tribe on Tribal lands.

(G) "Tribal Lands" shall mean those lands, either held in trust, owned by, or that are otherwise subject to the jurisdiction of the Tribe.

(H) "Tribe" shall mean the Dry Creek Rancheria Band of Pomo Indians of the Dry Creek Rancheria, California, a federally-recognized Indian tribe.

#### **CHAPTER 4. EMPLOYMENT REQUIREMENTS**

Any Tribal Business is hereby required to give preference to qualified applicants in hiring, promotion, training, and all other aspects of employment in the following order:

(A) Enrolled members of the Tribe;

(B) Family members of enrolled members of the Tribe who reside in the same household, including spouse, brother, sister, mother, father, child, grandmother, and grandfather;

(C) Other Indian people;

(D) All other applicants.

#### **CHAPTER 5. ENFORCEMENT**

The Tribal Council hereby delegates authority to the Human Resources Manager, unless and until the Tribal shall establish one or more separate offices for such purpose, to carry out the policies and requirements established by this Ordinance for all employment on Tribal lands.

#### **CHAPTER 6. SEVERABILITY**

If any provision or application of this Ordinance is determined to be invalid, such determination shall not be held to render the remainder of this Ordinance invalid.

#### **CHAPTER 7. AMENDMENTS**

This Ordinance may be amended or repealed from time to time by the Tribe consistent with the applicable law, as the Tribe shall deem appropriate.

#### **CHAPTER 8. EFFECTIVE DATE**

This Ordinance shall be in full force and effect as of the date of the formal approval and adoption hereof by the Tribal Council.

#### **CERTIFICATION**

We, the eligible voting members of the Dry Creek Tribal Council, do hereby certify that the foregoing ordinance was adopted at a duly constituted meeting of the Dry Creek Tribal Council held on March, 30, 2002, by a vote of 65 "for", 28 "against", and 0 "abstentions," and such Ordinance has not been rescinded or amended in any way.

---

Elizabeth Elgin DeRouen, Chairperson