

# **COQUILLE INDIAN TRIBAL CODE**

## **Chapter 240**

### **Part 2 – Economic Development**

#### **Labor Ordinance**

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### 240.101 General

This ordinance may be cited as the “Coquille Indian Tribe Labor Ordinance.”

#### 1. Purpose and Intent.

a. Pursuant to the Coquille Indian Tribe Constitution, Article VI, section 1, the Tribal Council has legislative authority to establish Tribal laws. In order to protect, preserve and promote the economic security of the Tribe and its members, the Tribal Council has established this Labor Ordinance, which sets out the rights of Tribal members and nonmembers who enter into consensual business relationships with the Tribe.

b. The Tribal Council finds that the employment of persons by the Tribe or any Tribal is a consensual business relationship.

c. The Tribal Council finds that Tribal members and nonmembers have the right to choose whether to join in collective bargaining arrangements, and these choices affect the economic security of the Tribe and its members. The Tribe has not been divested its inherent sovereign right to regulate labor relations on its lands. Tribal regulation of employment on Tribal lands promotes self-government and self-sufficiency, and addresses conduct that threatens and has a direct effect on the Tribe and its political integrity and economic security.

#### 2. Background

The Tribe has jurisdiction to regulate the activities of Tribal members as well as nonmembers who enter consensual relationships with the Tribe or its members, through commercial dealing, contracts, leases, or other arrangements. The Tribe may also exercise civil authority over the conduct of nonmembers on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the Tribe.

### 240.102 Definitions

1. “Employer” means any person, firm, association, corporation or other entity operating in or upon Coquille Indian Tribal lands and directly or indirectly employing one or more employees to perform work.

2. “Employee” means any person who has entered into or works under any contract of service or apprenticeship with or on behalf of any Employer.

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3. “Labor Organization” means any organization or agency or group of employees or employee committee or plan in which employees participate that is organized or exists for the purpose of dealing with an employer or employers concerning conditions of employment such as hours of employment, wages, rates of pay, working conditions or grievances of any kind relating to employment.

4. “Person” means any individual, labor organization, corporation, partnership, company, association or other legal entity, except that Person shall not include the Coquille Indian Tribe, or any Tribal Entity.

5. “Union Dues” means dues, fees, assessments, or other charges of any kind or amount or their equivalents paid or payable, directly or indirectly, to a Labor Organization or its agents and includes payments to any charity or other third party in lieu of such payments to a Labor Organization.

6. “Tribe” means the Coquille Indian Tribe.

7. “Tribal Entity” means any work unit of Tribal government, any entity chartered under Coquille Tribal law or any entity owned by the Coquille Indian Tribe or any Tribal Entity.

#### **240.103 Jurisdiction**

The Coquille Indian Tribal Council has the inherent jurisdiction to protect the peace, health, safety, environment, morals and general welfare of Tribal lands and to regulate the internal affairs of the Tribe.

#### **240.104 Applicability**

This ordinance shall apply to all divisions of Tribal government and to all Tribal entities, including without limitation, the Coquille Economic Development Corporation (“CEDCO”) and its associated entities.

#### **240.201 Right to Work**

1. No person shall be required, as a condition of employment or continuation of employment by or on the lands of the Coquille Indian Tribe, to:

a. Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

b. Become or remain a member of a labor organization;

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- c. Pay dues, fees, assessments or other charges of any kind or amount to a labor organization;
  - d. Pay to any charity or other third party, in lieu of such payments any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization; or
  - e. Be recommended, approved, referred or cleared through a labor organization.
2. Any agreement between any Labor Organization and any Employer that requires Employees of such Employer to obtain or maintain membership in any Labor Organization or to pay Union Dues as defined in this Ordinance or otherwise violates the rights of Employees defined by this Ordinance, is against the public policy of the Coquille Indian Tribe and of no legal effect. This policy does not bar any Employee from voluntarily obtaining or maintaining membership in any Labor Organization or from voluntarily paying Union Dues as defined under this Ordinance.

#### **240.202 Labor Organization and Strikes**

There shall be no right on behalf of Employees of divisions of the Tribal government and CEDCO and its associated entities to form or join labor organizations for purposes of collective bargaining or mutual aid. The Tribe shall not be obligated to recognize any labor organization or to bargain with such organization. There shall be no right on behalf of employees of the Tribal government, CEDCO, or associated entities to engage in strikes, work stoppages, work slow-downs, boycotts, or similar activities.

#### **240.301 Enforcement**

The Coquille Indian Tribal Court shall have exclusive jurisdiction over all causes of action alleging violations of this Ordinance. Any person injured as a result of any violation or threatened violation of this Ordinance shall be entitled to petition the Coquille Indian Tribal Court for injunctive relief from or against any person who violates or threatens any violation of this Ordinance, and may, in addition, file a claim to recover any and all damages, including costs and reasonable attorney fees, resulting from the violation or threatened violation. The remedy shall be independent of and in addition to any other penalties and remedies prescribed by any other applicable law.

#### **240.401 Sovereign Immunity**

Nothing in this Ordinance shall be construed as a waiver of sovereign immunity of the Tribe or any entities chartered, established, or otherwise created under Tribal law, including, without limitation the Coquille Economic Development Corporation, the Coquille Indian Housing Authority, and the Nasomah Health Group.

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**240.501 Severability**

If any provision of this Ordinance is held invalid by a court of competent jurisdiction, the invalid portion will be severed and the remaining provisions shall continue in full force and effect.